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EDWARD BENNETT WILLIAMS (1920-1988)  
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November 8, 2018

**Via Electronic Mail**

Special Master David Cohen  
Carl B. Stokes U.S. Courthouse  
801 West Superior Avenue  
Cleveland, OH 44113-1837  
david@specialmaster.law

**Re: *In re: National Prescription Opiate Litigation*, MDL No. 2804**

Dear Special Master Cohen,

I write concerning Plaintiffs' refusal to provide a substantive answer to the Distributor Defendants' Interrogatory Nos. 19, 20, 21, and 29. These interrogatories seek factual information that is relevant to whether there is a causal link between Plaintiffs' alleged injuries (expenditures necessitated by their residents' use of opioids) and the Distributor Defendants' alleged breach of duty (fulfilling suspicious pharmacy orders for prescription opioids and/or failing to report them).

Plaintiffs do not allege that the Distributor Defendants' fulfillment of pharmacy orders for prescription opioids *directly* caused their injuries. Rather, Plaintiffs claim that the Distributor Defendants filled and/or failed to report suspicious orders and that those orders were, (i) used in part to fill illegitimate prescriptions for opioids, (ii) which led to opioid misuse or abuse by Plaintiffs' residents (iii) that in turn necessitated Plaintiffs incurring significant expenses in providing services (such as first responder costs, healthcare costs, etc.). Each expenditure incurred by Plaintiffs is traceable to particular individuals who used opioids. These interrogatories ask Plaintiffs to identify those individuals whose opioid use resulted in financial harm to Plaintiffs and to describe how Plaintiffs trace those individuals' opioid use on which their damages are based to suspicious orders filled by the Distributor Defendants. The Distributor Defendants need this information now so that they can conduct discovery to rebut the alleged connection between Plaintiffs' claimed damages and the Distributor Defendants' alleged conduct.

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**A. Background**

Interrogatory Nos. 19, 20, 21, and 29 are contained in the Distributor Defendants' Third and Fourth Sets of Interrogatories, which were served on June 8 and August 1, 2018. *See* Ex. A, B. Each interrogatory asked Plaintiffs to identify the individuals and entities whose use of opioids resulted in Plaintiffs' injuries. Nos. 19 and 20 asked Plaintiffs to identify all individuals whose use or abuse of opioids caused Plaintiffs to incur expenses:

**19. *Identify each Person whose use of Prescription Opioids or other drugs resulted in expenditures by You for which you seek damages.***

For each such person, provide the following information: a description of how each Person's use of Prescription Opioids or other drugs resulted in Your expenditures; the date of any such expenditures; the Controlled Substance(s) ingested by such Person; from whom such Person obtained the Controlled Substance(s) that caused his or her injury; which entity manufactured and sold the Controlled Substance(s) used by such Person; which Distributor Defendant, if any, distributed the Controlled Substance(s) used by such Person; and whether the Controlled substance(s) were distributed as part of a Suspicious Order (and if so, what made the order suspicious).

**20. *Identify each Person to whom You provided treatment or assistance related to Prescription Opioid addiction, abuse, or overdose during the Timeframe.*** For each such Person, provide the following information: the name of the individual; the date of addiction, abuse, or overdose; the drug or drugs involved; which entity manufactured and sold the Controlled Substance(s) used by such Person which Distributor Defendant, if any, distributed Prescription Opioids used by the Person; and whether the Prescription Opioids used by the Person were distributed as part of a Suspicious Order (and if so what made the order suspicious); the nature of treatment or assistance provided; the cost of treatment or assistance provided; and the source of funding for treatment or assistance provided.

No. 21 asked Plaintiffs to identify children born addicted to opioids who caused Plaintiffs to incur costs:

**21. *Identify all children, including infants born addicted to opioids, for whom You incurred costs for which you seek damages.*** For each such Person, please provide the following: the name of such Person; the name of such Person's parent(s); the Controlled Substances possessed or ingested by such Person's parent(s); which entity manufactured and sold the Controlled Substance(s) used by such Person the source of the

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Controlled Substance possessed or ingested by such Person's parents(s); the date, nature, and cost of any services incurred as a result of such Person; which Distributor Defendant, if any, distributed the Controlled Substance possessed or ingested by such Person's parent(s); and whether the Controlled Substances were distributed as part of a Suspicious Order (and if so what made the order suspicious).

No. 29 asked Plaintiffs to identify what happened to the opioids that were shipped pursuant to orders that they now allege are suspicious orders:

***29. For each Suspicious Order that You contend was shipped into Your geographic area by a Distributor Defendant, identify how, if at all, the Prescription Opioids were used following the shipment,*** including what percentage of the Prescription Opioids that were diverted, abused, used for legitimate medical purposes, used in some other manner, or destroyed, and if the Prescription Opioids were diverted, abused, or otherwise used improperly, who was involved in such diversion, abuse, or other improper use.

Each of the Track One Plaintiffs refused to provide the requested discovery.<sup>1</sup> Plaintiffs objected, *inter alia*, that “[t]his is not a collection of personal injury cases and Plaintiff[s] do[] not seek any personal injury damages suffered by its residents”; that they “will prove causation through aggregate proof”; and that this interrogatory is “contention discovery” and “will be the subject of a fully-supported and detailed expert witness opinion(s).”<sup>2</sup>

The Distributor Defendants met and conferred with counsel for each of the Track One Plaintiffs regarding these interrogatories in August and September. Counsel declined to reconsider their objections. Asked whether each Plaintiff *can* provide the requested information at this time (as distinct from whether they will or should do so), counsel refused to answer.

## **B. Argument**

Plaintiffs allege a long list of vaguely defined damages implicating virtually every agency and a wide array of governmental operations.<sup>3</sup> According to Plaintiffs, these alleged damages, which encompass everything from costs incurred by police officers and first responders to the “impact of [the] opioid epidemic on Plaintiffs’ vehicle fleets,” resulted from the Distributor Defendants’ alleged failure to report and halt shipment of suspicious orders of prescription opioids in Plaintiffs’ jurisdictions. But, undisputedly, the Distributor Defendants’ alleged

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<sup>1</sup> See Exs. C, D, E, F, G, H.

<sup>2</sup> See *e.g.*, Ex. C, at 18–20.

<sup>3</sup> See Second Am. Corr. Compl. of Summit County, ¶ 972; Ex. C, at 15–17.

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shipment of suspicious orders by itself does not directly cause any of these alleged damages. Rather, Plaintiffs' alleged damages arose only after the involvement of a number of intervening acts by intermediate third parties: to name just a few—the prescribers who wrote the prescriptions, the pharmacies that filled them, the individual users of the opioids, and any individuals who diverted the opioids.

The purpose of this motion is not to debate the legal sufficiency of this attenuated causal chain. Rather, this motion simply seeks an order compelling Plaintiffs to identify the factual information that is necessary to determine if the chain exists—to “connect the dots” between the Distributor Defendants' conduct and Plaintiffs' alleged injuries. *Kanu v. Siemens PLM*, 2018 WL 776274, at \*5 (S.D. Ohio Feb. 8, 2018). Interrogatory Nos. 19, 20, 21, and 29 ask Plaintiffs to disclose factual information that is essential to testing whether Plaintiffs can connect (i) their alleged expenditures for services to individuals, (ii) the individuals to misuse of prescription opioids, and (iii) the misuse to pills that were shipped by a particular Distributor Defendant in response to a suspicious pharmacy order. For the reasons explained below, Interrogatory Nos. 19, 20, 21, and 29 are directly relevant and proportional to the parties' claims and defenses.

#### 1. Defendants seek highly relevant information.

Interrogatory Nos. 19, 20, and 21 ask Plaintiffs to identify the individuals who, as a result of opioid use, received government services from Plaintiffs for which Plaintiffs seek recovery in this litigation. With few exceptions, each of Plaintiffs' alleged damages could only have resulted from a particular individual's abuse of opioids. *See State of New Jersey v. Purdue Pharma, L.P.*, 2018 WL 4829660, at \*17 (N.J. Super. Ct. Oct. 2, 2018) (“The roots of the State's claimed injuries are the physical effects of the opioids on patients.”). For example, when an overdose occurs, a first responder may be called to the victim's home, an ambulance may transport the victim to a hospital, the hospital may administer medical care, and the ADM Board subsequently may provide addiction therapy. All of these costs stem from and are directly traceable to that individual's use of opioids. Plaintiffs cannot connect their alleged injuries to a suspicious order (and, thus, to a specific Distributor Defendant) without first identifying these individuals. *See Kanu v. Siemens PLM*, 2018 WL 776274, at \*5 (S.D. Ohio Feb. 8, 2018).

Plaintiffs then need to connect a particular Distributor Defendant's shipment of suspicious orders to these individuals' use of opioids. A suspicious order originates from a specific pharmacy, and, as a general rule, a pharmacy has a customer relationship with ABDC, McKesson *or* Cardinal Health, not all three. Moreover, the mere fact that an order was “suspicious” does not mean that all—or even any—of the medications shipped in response to that order ended up in the wrong hands or were used improperly. Therefore, Interrogatory No. 29 asks Plaintiffs to identify how prescription opioids shipped pursuant to a suspicious order were used. Given that a Distributor Defendant's alleged duty is to report and halt shipment of suspicious *orders* of prescription opioids, a Distributor Defendant is potentially liable *only* for specific expenditures that (1) Plaintiffs incurred providing services (2) that were necessitated by individuals using prescription opioids (3) that had been dispensed using pills that were part of a

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pharmacy's suspicious order (4) that should not have been shipped or (5) should have been reported to the DEA and the DEA would have investigated and taken regulatory or law enforcement action in connection with that order. *See City of Cincinnati v. Deutsche Bank Nat'l Trust Co.*, 863 F.3d 474, 480 (6th Cir. 2017) (holding that the City's "failure to tether the damages to nuisance-related problems . . . prevents us from assessing the 'directness' of the relationship between the two.").

Even if Plaintiffs intend to try to satisfy their burden of proof without (a) identifying the individuals who received government services, (b) connecting Plaintiffs' expenses to opioids used by these individuals, **and** (c) connecting the opioids used by these individuals to suspicious orders shipped by the Distributor Defendants, the Distributor Defendants still are entitled to this relevant discovery to develop a defense showing these connections do not exist.

The Distributor Defendants are also entitled to this discovery for purposes of preparing their defense to Plaintiffs' assertion of damages resulting, not from misuse of prescription opioids, but from their residents' misuse of **non-prescription, illegal** opioids, such as heroin or carfentanil. As Plaintiffs concede, the epidemic of opioid abuse is wide-reaching and is hardly limited to prescription opioids that are prescribed, dispensed, and ingested only through legitimate channels. *See* Compl. ¶ 723. Already, discovery has shown that **most** of the drug overdoses necessitating expenditures by Plaintiffs resulted from use of illicit opioids, or from mixing opioids with other substances like alcohol, cocaine, or methamphetamine, where there is no evidence that the individual who overdosed ever used prescription opioids. *See* Tr. Gary Guenther, Summit County Chief Forensic Examiner, 186:9-10 ("[Y]ou don't need to be a doctor to say don't mix, you know, oxycodone or Oxycontin with alcohol."). The Distributor Defendants are entitled to learn in discovery the facts necessary to separate (a) the costs that are traceable to use of illicit substances from costs that are traceable to use of prescription opioids, (b) the costs that are traceable to misuse of prescription opioids from costs that are traceable to legitimate use of prescription opioids, and (c) the costs that are traceable to diversion of pills filled by allegedly suspicious orders from the costs that are traceable to pills that were filled by indisputably legitimate orders. Each of these steps requires at the outset the identification of individuals whose opioid use resulted in Plaintiffs' alleged expenditures.

The fact that Plaintiffs do not seek "personal injury damages suffered by [their] residents" does not relieve Plaintiffs of providing this discovery because they do seek recovery for damages that they incurred as a result of alleged personal injury damages suffered by their residents. It is undeniable that none of Plaintiffs' alleged injuries would have occurred if their residents had not used opioids. Plaintiffs cannot avoid their basic burden to demonstrate, nor impair Defendants' right to explore, whether those individuals' opioid use connects both to the Plaintiffs' alleged injuries and Defendants' alleged conduct. *Lewis v. Lead Indus. Ass'n*, 793 N.E.2d 869, 875 (Ill. App. 2003) ("Acceptance of such a theory . . . would result in an abandonment of the principle that, to be held liable, a causative link must be established between a defendant's tortious acts and the plaintiff's injuries.").



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In sum, Plaintiffs should be required either to identify the universe of individuals whose use of opioids resulted in Plaintiffs' alleged injuries and connect that use to suspicious orders filled by the Distributor Defendants, or else disclaim all expenditures resulting from individuals they do not or cannot identify.

**2. This request seeks discovery not covered by previous rulings concerning unnecessary prescriptions.**

The Distributor Defendants' requests are different from the Manufacturer and Pharmacy Defendants' requests and are not encompassed by Discovery Ruling No. 5. In Discovery Ruling No. 5, the Special Master ordered Plaintiffs to identify 500 unnecessary or illegitimate prescriptions and 300 individuals who received such an unnecessary or illegitimate prescription. Modifying the Special Master's Ruling, Judge Polster gave Plaintiffs the option to categorically and affirmatively waive their right to assert that any specific prescriptions were unauthorized or medically unnecessary and rely instead "solely on a theory of aggregate proof." Dkt. 1047, at 1–2.

The Interrogatories at issue here seek a different set of information that is necessary to connect Plaintiffs' expenditures to the Distributor Defendants' alleged conduct. The Distributor Defendants' Interrogatory Nos. 19, 20, and 21 ask Plaintiffs to identify those individuals whose use of prescription opioids resulted in harm *to Plaintiffs*. By contrast, the Manufacturer Defendants' Interrogatory No. 7 asked Plaintiffs to identify who was harmed by "any substance" or "as a result of any prescription opioids." Identifying individuals harmed from "any substance" or opioids may be relevant to connecting the Manufacturing Defendants' representations about prescription opioids to individual users. But that information does not demonstrate the universe of individuals whose use of opioids resulted in Plaintiffs' expenditures, nor does it connect Plaintiffs' expenditures to orders that the Distributor Defendants allegedly shipped improperly. Distributor Defendants need this information to prove their defenses.

Moreover, identifying individual users whose opioid use caused Plaintiffs' injuries does not present the same practical burdens that Plaintiffs may face in identifying unauthorized or medically unnecessary prescriptions. Plaintiffs objected to Discovery Ruling No. 5 on the basis that they "have very limited amounts of prescription data in their possession, custody, or control." Dkt. 1031, at 11. Even assuming that is correct, the same is not true of the information the Distributor Defendants request. Plaintiffs cannot argue that these records are not in "their possession, custody, or control." When the city and county Plaintiffs spend money or resources as a result of an individual's misuse of opioids, the expenditure and the individual's identity necessarily are memorialized in city or county records, *i.e.*, bills associated with ambulances or hospital care, coroner reports, detoxification intake forms, etc. Nor can Plaintiffs be excused from the obligation of producing essential discovery merely by claiming it is burdensome. Plaintiffs have alleged billions of dollars in damages based on services provided to thousands of individual opioid users, and claims of such magnitude impose some burden. Defendants are

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entitled to this information in order to conduct any discovery necessary to vet Plaintiffs' claims before the close of fact discovery.

\* \* \* \* \*

These interrogatories seek information that is vital to plaintiffs' claims – and therefore to the Distributor Defendants' ability to defend against those claims. Plaintiffs have no legitimate reason for refusing to supply this information, and they should be ordered to do so.

Sincerely,

*Paul E. Boehm / BDM*  
Paul E. Boehm

# **Exhibit A**



**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**THE COUNTY OF SUMMIT, OHIO;  
AND CITY OF AKRON, OHIO;  
STATE OF OHIO EX REL. PROSECUTING  
ATTORNEY FOR SUMMIT COUNTY,  
SHERRI BEVAN WALSH, AND THE  
DIRECTOR OF LAW FOR THE CITY OF  
AKRON, EVE BELFANCE,**

**Plaintiffs,**

**v.**

**Case No. 1:18-op-45090  
Hon. Judge Dan A. Polster**

**PURDUE PHARMA LP; PURDUE  
PHARMA, INC.; THE PURDUE  
FREDERICK COMPANY,  
INC.; TEVA PHARMACEUTICALS USA,  
INC.; CEPHALON, INC.; JOHNSON &  
JOHNSON; JANSSEN  
PHARMACEUTICALS, INC.;  
ORTHO-MCNEIL-JANSSEN  
PHARMACEUTICALS, INC. N/K/A  
JANSSEN PHARMACEUTICALS, INC.;  
JANSSEN PHARMACEUTICA, INC. N/K/A  
JANSSEN PHARMACEUTICALS, INC.;  
ENDO HEALTH SOLUTIONS INC.; ENDO  
PHARMACEUTICALS, INC.; INSYS  
THERAPEUTICS, INC.; CARDINAL  
HEALTH, INC.; MCKESSON CORPORATION;  
AMERISOURCEBERGEN DRUG CORPORATION;  
and JANE DOES 1 – 50,**

**Defendants.**

**DISTRIBUTOR DEFENDANTS' THIRD SET OF  
INTERROGATORIES TO PLAINTIFFS**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure as well as the Case Management Order in *In re National Prescription Opiate Litigation* (Dkt. No. 232 in No. 1:17-

cv-2804), Distributor Defendants<sup>1</sup> hereby request that each Plaintiff in the above-captioned civil action individually respond to the following Interrogatories in accordance with their obligations under the Federal Rules of Civil Procedure. Responses to the Interrogatories shall be provided in the manner required by Rule 33, the Local Rules of the Northern District of Ohio, this Court's Case Management Order One entered on April 11, 2018, Doc. No. 232, and any other applicable law or rules, within thirty (30) days of the service of these Interrogatories.

If any Plaintiff finds any term or other aspect of any of the Interrogatories vague, ambiguous, or otherwise objectionable and intends to so object, counsel for the Distributor Defendants offer to promptly meet with counsel for that Plaintiff to endeavor to resolve any issues.

### **DEFINITIONS**

1. "Person" means any individual, corporation, firm, partnership, joint venture, unincorporated association, trade association, governmental entity, dealer group, council or other incorporated or unincorporated entity, business entity or group of individuals or entities, singular or plural, as the content may require.

2. "Prescription Opioid(s)" refers to FDA-approved pain-reducing medications consisting of natural, synthetic, or semisynthetic chemicals that bind to opioid receptors in a patient's brain or body to produce an analgesic effect, including, but not limited to, the Prescription Opioids referenced in the Complaint for the wholesale distribution of which Plaintiffs seek to hold the Distributor Defendants liable.

3. "Plaintiff" means each of the twenty-three individual plaintiffs named in this action, including the executive and legislative branches, agencies, offices, departments,

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<sup>1</sup> The Distributor Defendants are AmerisourceBergen Drug Corporation, Cardinal Health, Inc., and McKesson Corporation.

divisions, commissions, agents, employees, boards, instrumentalities, vendors, administrators, and other persons or entities acting on each named plaintiff's behalf or controlled by each named plaintiff. When the pronouns "You" or "Your" are used, their antecedent is each individual responding Plaintiff.

4. "Suspicious Order(s)" means any order of Prescription Opioids placed by any source that Plaintiff believes, suspects, or contends should have been reported to the DEA or Ohio authorities, including the Ohio Board of Pharmacy. Suspicious Orders are not limited to those placed with the Distributor Defendants, but include those placed with any entity that has a regulatory reporting obligation.

5. "Timeframe" includes each year during which plaintiff claims any Distributor Defendant engaged in any allegedly wrongful or unlawful conduct that caused damage to the Plaintiff or such other time period as the parties may later agree or the Court determines should apply to each side's discovery in this action.

### **INSTRUCTIONS**

Each Plaintiff must individually respond to each of these Interrogatories.

### **INTERROGATORIES**

13. State the date(s) upon and the manner in which You first became aware that Prescription Opioids were being abused in Your geographic boundaries, that Prescription Opioids were being diverted in Your geographic boundaries and/or by Your residents, and that addiction to Prescription Opioids was occurring and/or increasing in Your geographic boundaries.

14. State the number of pills or other dosage units of Prescription Opioids that were diverted from legitimate medical purposes in Your geographic boundaries, and the number of pills or other dosage units of Prescription Opioids that were dispensed for other than legitimate medical

purposes in Your geographic boundaries for each year during the Timeframe, and describe how each number was calculated.

15. State the maximum number of pills or other dosage units of Prescription Opioids that should properly have been distributed in Your geographic boundaries for legitimate medical purposes during the Timeframe. In Your response, explain how You calculated that number, including any per capita, per patient, drug family or other grouping, or any other basis on which you rely.

16. Identify every specific prescription that You believe, suspect, or contend was diverted or used—in whole or in part—for other than legitimate medical, scientific, research, or industrial purposes in Your geographical area. Include in your response: the date the prescription was written; the name(s) of the Controlled Substance(s) prescribed; the quantity of Controlled Substance(s) prescribed; the recipient of each prescription; the name of the prescriber; the name of the dispensing pharmacy, hospital, or clinic; the date the prescription was filled; whether any Defendant was involved in the Distribution of that Controlled Substance(s); whether the Controlled Substance(s) were distributed as part of a Suspicious Order (and if so what made the order suspicious); and the reason(s) why you believe, suspect, or contend that all or part of the prescription was diverted.<sup>2</sup>

17. To the extent not already identified in response to Interrogatory Number 16, identify every pharmacy, clinic, or hospital inside or outside Your geographic boundaries whose conduct with respect to Prescription Opioids You believe, suspect, or contend caused harm within Your

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<sup>2</sup> Distributor Defendants acknowledge that the Court has required Plaintiffs to provide some of this information by July 16, 2018. Distributor Defendants' request, however, is broader than the relevant provision of the CMO. And Defendants need the information they have requested more than one day in advance of the July 17, 2018 deadline for Defendants to add parties without leave of Court. *See* CMO 1 at 9. Defendants also require this information to conduct further discovery in Track One Cases.

geographic boundaries. For each such pharmacy, clinic, or hospital, provide all facts You know that support Your belief, suspicion, or contention, including (without limitation): the name of the pharmacy, clinic, or hospital; each prescription filled by the pharmacy, clinic, or hospital that You believe, suspect, or contend caused harm in Your geographic boundaries; the date that each such prescription was written; the name of the prescriber; the name of the recipient of the prescription; the name(s) of the Prescription Opioids prescribed; the quantity of Prescription Opioids prescribed; the date the prescription was filled; whether any Defendant was involved in the Distribution of that Controlled Substance(s); whether the Controlled Substance(s) were distributed as part of a Suspicious Order (and if so what made the order suspicious); and the reason(s) why You believe, suspect, or contend the prescription caused harm within Your geographic boundaries.

18. Specify each category of injury (e.g. increased cost of law enforcement, fire, emergency services, etc.) for which You claim damages in the Litigation and provide a computation of damages for each category of injury alleged. For each category of injury, identify all Persons with knowledge about such damages.

19. Identify each Person whose use of Prescription Opioids or other drugs resulted in expenditures by You for which you seek damages. For each such person, provide the following information: a description of how each Person's use of Prescription Opioids or other drugs resulted in Your expenditures; the date of any such expenditures; the Controlled Substance(s) ingested by such Person; from whom such Person obtained the Controlled Substance(s) that caused his or her injury; which entity manufactured and sold the Controlled Substance(s) used by such Person; which Distributor Defendant, if any, distributed the Controlled Substance(s) used

by such Person; and whether the Controlled Substance(s) were distributed as part of a Suspicious Order (and if so what made the order suspicious).

20. Identify each Person to whom You provided treatment or assistance related to Prescription Opioid addiction, abuse, or overdose during the Timeframe. For each such Person, provide the following information: the name of the individual; the date of addiction, abuse, or overdose; the drug or drugs involved; which entity manufactured and sold the Controlled Substance(s) used by such Person which Distributor Defendant, if any, distributed Prescription Opioids used by the Person; and whether the Prescription Opioids used by the Person were distributed as part of a Suspicious Order (and if so what made the order suspicious); the nature of treatment or assistance provided; the cost of treatment or assistance provided; and the source of funding for treatment or assistance provided.

21. Identify all children, including infants born addicted to opioids, for whom You incurred costs for which you seek damages. For each such Person, please provide the following: the name of such Person; the name of such Person's parent(s); the Controlled Substances possessed or ingested by such Person's parent(s); which entity manufactured and sold the Controlled Substance(s) used by such Person the source of the Controlled Substance possessed or ingested by such Person's parent(s); the date, nature, and cost of any services incurred as a result of such Person; which Distributor Defendant, if any, distributed the Controlled Substance possessed or ingested by such Person's parent(s); and whether the Controlled Substances were distributed as part of a Suspicious Order (and if so what made the order suspicious).

22. Identify all efforts You have made to recover expenditures related to Prescription Opioid abuse, misuse, or addiction in Your geographic boundaries from any entities or individuals who have been charged with criminal offenses relating to or caused by such abuse, misuse, or

addiction, including, without limitation, pharmacists, pharmacies, doctors, clinics, drug dealers, drug traffickers, or drug trafficking organizations.

**AMERISOURCEBERGEN DRUG  
CORPORATION, CARDINAL  
HEALTH, INC., and  
MCKESSON CORPORATION,**

**By counsel**

/s/ Shannon E. McClure

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*Counsel for McKesson Corporation*

**CERTIFICATE OF SERVICE**

I, Sarah B. Johansen, among the liaison counsel for the Distributor Defendants, certify that on June 8 2018, I caused the foregoing to be served via electronic mail on the individuals on the attached service list.

/s/ Sarah B. Johansen

**SERVICE LIST**

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# **Exhibit B**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

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**IN RE NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

This document applies to:

*The County of Summit, Ohio. v. Purdue  
Pharma L.P.*, Case No. 18-OP-45090;

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)  
)  
) **MDL No. 2804**

)  
) **Case No. 17-md-2804**

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) **Judge Dan Aaron Polster**  
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**DISTRIBUTOR DEFENDANTS' FOURTH SET OF  
INTERROGATORIES TO PLAINTIFFS**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure as well as the Case Management Order in *In re National Prescription Opiate Litigation* (Dkt. No. 232 in No. 1:17-cv-2804), Distributor Defendants hereby request that each Plaintiff in the above-captioned civil action individually respond to the following Interrogatories in accordance with their obligations under the Federal Rules of Civil Procedure. Responses to the Interrogatories shall be provided in the manner required by Rule 33, the Local Rules of the Northern District of Ohio, this Court's Case Management Order One entered on April 11, 2018, Doc. No. 232, and any other applicable law or rules, within thirty (30) days of the service of these Interrogatories.

If any Plaintiff finds any term or other aspect of any of the Interrogatories vague, ambiguous, or otherwise objectionable and intends to so object, counsel for the Distributor Defendants offer to promptly meet with counsel for that Plaintiff to endeavor to resolve any issues.

## **DEFINITIONS**

1. “Person” means any individual, corporation, firm, partnership, joint venture, unincorporated association, trade association, governmental entity, dealer group, council or other incorporated or unincorporated entity, business entity or group of individuals or entities, singular or plural, as the content may require.

2. “Prescription Opioid(s)” refers to FDA-approved pain-reducing medications consisting of natural, synthetic, or semisynthetic chemicals that bind to opioid receptors in a patient’s brain or body to produce an analgesic effect, including, but not limited to, the Prescription Opioids referenced in the Complaint for the wholesale distribution of which Plaintiffs seek to hold the Distributor Defendants liable.

3. “Plaintiff” means each of the twenty-three individual plaintiffs named in this action, including the executive and legislative branches, agencies, offices, departments, divisions, commissions, agents, employees, boards, instrumentalities, vendors, administrators, and other persons or entities acting on each named plaintiff’s behalf or controlled by each named plaintiff. When the pronouns “You” or “Your” are used, their antecedent is each individual responding Plaintiff.

4. “Suspicious Order(s)” means any order of Prescription Opioids placed by any source that Plaintiff believes, suspects, or contends should have been reported to the DEA or Ohio authorities, including the Ohio Board of Pharmacy. Suspicious Orders are not limited to those placed with the Distributor Defendants, but include those placed with any entity that has a regulatory reporting obligation.

5. “Timeframe” includes each year during which plaintiff claims any Distributor Defendant engaged in any allegedly wrongful or unlawful conduct that caused damage to the



Plaintiff or such other time period as the parties may later agree or the Court determines should apply to each side's discovery in this action.

### **INSTRUCTIONS**

Each Plaintiff must individually respond to each of these Interrogatories.

### **INTERROGATORIES**

23 Identify each Suspicious Order that you believe was shipped to Your geographic area by a Distributor Defendant during the time period for which you seek damages in this lawsuit. For each order, identify the date the order was shipped, the medication shipped, the number of dosage units shipped, the number of dosage units that you contend would have been permissible to ship, the reason you believe the order was suspicious, the Distributor Defendant that shipped the allegedly Suspicious Order, and the person or entity that placed the order.

24. Identify all false and/or fraudulent information that You allege any Distributor Defendant supplied to the Drug Enforcement Administration about Suspicious Orders as alleged in Paragraph 859 of the Second Amended Complaint.

25. Identify with specificity each of the predicate acts of racketeering activity You allege each of AmerisourceBergen Drug Corporation, Cardinal Health, Inc. and McKesson Corporation committed, conspired to commit, and/or aided and abetted the commission of for the time period you seek damages in this lawsuit. For each predicate act, provide the date, the conduct that constituted the predicate act, the Defendant(s) involved, the reason that conduct constituted a predicate act of racketeering, and any other individuals/entities involved.

26. Identify all facts and evidence that support Your contention that the Distributor Defendants agreed to implement similar tactics in their refusal to report Suspicious Orders as

alleged in Paragraph 922 of the Second Amended Complaint.

27. Identify and describe each statement or omission relating to Prescription Opioids that were made or disseminated by any of the Manufacturer Defendants and that You allege the Distributor Defendants knew were false, misleading, unfair, deceptive or otherwise actionable and, for each, identify each specific Distributor Defendant who had such knowledge, explain the basis for your contention that it had such knowledge, state the specific act(s) or omission(s) that each Distributor Defendant took with such knowledge, and describe how such act(s) or omission(s) caused a quantifiable harm to You.

28. Describe how, if at all, You used the information contained in the Ohio Automated Rx Reporting System (OARRS), to address prescription drug diversion and abuse.

29. For each Suspicious Order that You contend was shipped into Your geographic area by a Distributor Defendant, identify how, if at all, the Prescription Opioids were used following the shipment, including what percentage of the Prescription Opioids were diverted, abused, used for legitimate medical purposes, used in some other manner, or destroyed, and if the Prescription Opioids were diverted, abused, or otherwise used improperly, who was involved in such diversion, abuse, or other improper use.

**DISTRIBUTOR DEFENDANTS,**

**By Liaison Counsel**

/s/ Shannon E. McClure

Robert A. Nicholas

Shannon E. McClure

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*Counsel for McKesson Corporation*

**CERTIFICATE OF SERVICE**

I, Shannon E. McClure, among the liaison counsel for the Distributor Defendants, certify that on August 1, 2018, I caused the foregoing to be served on the individuals on the attached service list in the manner indicated.

/s/ Shannon E. McClure

**SERVICE LIST**

**BY HAND DELIVERY AND ELECTRONIC MAIL:**

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Motley Rice LLC  
28 Bridgeside Blvd.  
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# **Exhibit C**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE NATIONAL PRESCRIPTION OPIATE  
LITIGATION

This document relates to:

*The County of Summit, Ohio, et al. v. Purdue  
Pharma L.P., et al.*

Case No. 18-op-45090

MDL No. 2804

Case No. 17-md-2804

Judge Dan Aaron Polster

**SUMMIT COUNTY AND CITY OF AKRON, OHIO PLAINTIFF'S  
FIRST AMENDED RESPONSES AND OBJECTIONS TO  
DISTRIBUTOR DEFENDANTS' THIRD SET OF INTERROGATORIES**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and the Case Management Order in *In re National Prescription Opiate Litigation*, No. 1:17-cv-2804 (Dkt. No. 232), the County of Summit, Ohio and the City of Akron, Ohio (collectively "Plaintiff") hereby amend its response to Distributor Defendants'<sup>1</sup> Third Set of Interrogatories (the "Interrogatories" and, each individually, an "Interrogatory"), as follows:

**OBJECTIONS**

The following objections apply to each Interrogatory. To the extent that certain specific objections are cited in response to an individual Interrogatory, those specific objections are provided because they are applicable to that specific Interrogatory and are not a waiver of the other objections applicable to information falling within the scope of such Interrogatory.

1. Plaintiff objects to each Interrogatory to the extent they are overly broad, vague, unduly burdensome, seek information that is not relevant to any party's claim or defense, or seek to impose obligations or require actions beyond those required by the Federal Rules of Civil

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<sup>1</sup> The Distributor Defendants are AmerisourceBergen Drug Corporation, Cardinal Health, Inc., and McKesson Corporation (collectively "Distributor Defendants").

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Procedure, the ESI Protocol entered in this matter, or the Local Rules of the United States District Court of the Northern District of Ohio.

2. Plaintiff objects to each Interrogatory to the extent they seek information restricted from dissemination pursuant to court order, statute, or regulation. Further, any response made by Plaintiff to the Interrogatories is not intended to waive, and does not constitute any waiver of, any objection to the admissibility, authenticity, competency, or relevance of the information produced or identified.

3. These responses are made solely for the purpose of and in relation to this action. Each answer is given subject to all appropriate objections, which would require the exclusion at trial of any statement contained or document provided herein. All such objections and the grounds therefore are hereby reserved.

4. No admission of any nature whatsoever is to be implied or inferred in these responses. The fact that any of the Interrogatories herein may have been answered should not be taken as an admission or a concession of the existence of any facts set forth or assumed by the Interrogatories, or that such answer constitutes evidence of any fact thus set forth or assumed.

5. Plaintiff objects to each Interrogatory to the extent Plaintiff has not yet completed its investigation of the facts relating to this action and has not yet completed its preparation for trial. Accordingly, these responses are necessarily limited in nature, and reflect only that information known to Plaintiff at this time.

6. Plaintiff objects to each Interrogatory to the extent they purport to require Plaintiff to produce documents that are in the public domain or otherwise available to Distributor Defendants as easily from other sources as from Plaintiff.

7. Plaintiff objects to each Interrogatory to the extent they purport to state facts, assumptions, or characterizations that are disputed.

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8. Plaintiff objects to each Interrogatory to the extent they seek information more appropriately obtained through other methods of discovery.

9. Plaintiff objects to each Interrogatory to the extent that they seek information that is proprietary or confidential or that is protected from discovery as attorney work product and attorney-client communication, information gathered or prepared in anticipation of litigation, the public interest privilege, law enforcement privilege, public official privilege, and/or by any other privilege or immunity from disclosure (collectively, “Privileged Information”).

10. Plaintiff objects to each Interrogatory to the extent they seek confidential investigative, personal, or health information in Plaintiff’s possession, custody, or control (collectively, “Confidential Information”).

11. Whenever in the responses Plaintiff employs the phrase “subject to and without waiving all objections,” Plaintiff is responding to the Interrogatory as it may be narrowed by its general and specific objections and without waiver of any objection.

12. Any response stating that Plaintiff will produce documents shall be deemed followed by the phrase “as are within Plaintiff’s possession, custody, or control.”

13. Plaintiff objects to each Interrogatory to the extent that they imply the existence of facts or circumstances that do not or did not exist, and to the extent that it states or assumes legal conclusions. In providing these objections and responses, Plaintiff does not admit the factual or legal premise of any Interrogatory.

14. Plaintiff objects to each Interrogatory to the extent they seek information that is not within Plaintiff’s possession, custody, or control, seek documents that do not already exist, or which purport to require a response by Plaintiff on behalf of an entity or individual other than Plaintiff.

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15. Plaintiff reserves the right to supplement, revise, correct, or clarify its responses and objections in the event that additional information becomes available.

16. Plaintiff intends to complete its responses by the time agreed upon by the parties for the completion of discovery, or by the date ordered by the Court. Upon request by the requesting party, Plaintiff is willing to meet and confer regarding its responses to the Interrogatories. All final decisions regarding whether any information will be withheld pursuant to any objection shall be made, and notice thereof provided, before the completion of written discovery.

17. Plaintiff objects to the Distributors Defendants' instruction that: "Each Plaintiff must individually respond to each of these Interrogatories." No federal rule prevents Plaintiff from submitting collective answers to Distributor Defendants' collective Interrogatories. Where the responses and objections to these Interrogatories are the same for each Plaintiff, a collective response herein will in no way prejudice the Distributor Defendants. In each instance where the answers are not the same for each Plaintiff, any differences have been set forth herein with particularity.

#### **NON-WAIVER**

1. Plaintiff's responses are made without waiving its right to object (on the grounds of relevancy, hearsay, materiality, competency or any other ground) to the use of its responses in any subsequent stage or proceeding in this action or any other action.

2. If Plaintiff, in response to any Interrogatory, inadvertently discloses information that is or could be the subject of the objections stated herein, such disclosure is not intended to be, nor is it deemed to be, a waiver of the objections with respect to such information disclosed.

3. Plaintiff's failure to object to a specific Interrogatory on a particular ground or grounds shall not be construed as a waiver of its rights to object on any additional grounds.

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4. Plaintiff responds herein based upon information it has been reasonably able to gather at the time of making these responses. Plaintiff reserves its right to amend and/or to supplement its objections and responses to the Interrogatories, consistent with further investigation and discovery.

### **SPECIFIC RESPONSES AND OBJECTIONS**

#### **Interrogatory 13**

State the date(s) upon and the manner in which You first became aware that Prescription Opioids were being abused in Your geographic boundaries, that Prescription Opioids were being diverted in Your geographic boundaries and/or by Your residents, and that addiction to Prescription Opioids was occurring and/or increasing in Your geographic boundaries.

#### **Response 13**

Plaintiff objects to Interrogatory 13 on grounds of vagueness and irrelevance and because it is overbroad. It is unclear how Defendants define these terms and precisely what information Defendants seek concerning knowledge of abuse, diversion and/or addiction, nor why that information would be in any way relevant to the present case, including but not limited to any statute of limitations defense. Moreover, it would be unduly burdensome and disproportionate to the needs of the case for Plaintiff to state a single date or date(s) and “the manner” in which each and every instance of “abuse,” “diversion” or “addiction” of opioids occurred or occurring within Plaintiff’s geographic boundaries became known to Plaintiff. Plaintiff objects to this Interrogatory as vague and ambiguous as to the term “being abused.” Plaintiff further objects to the term “awareness” as requiring speculation on the state of mind of the City of Akron or Summit County.

Subject to and without waiver of the foregoing objections, Plaintiff responds that although it has long been aware of individual instances of diversion, abuse, and addiction to opioids within its jurisdiction, as a result of Defendants’ knowing and active concealment of the true nature of

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their conduct, Plaintiff lacked knowledge linking those diversion events to Defendants' improper marketing and distribution practices, including but not limited to denying risks of addiction, the gross over supply and flooding of Ohio with opioid pills, and the nature of Defendants' conduct in marketing and distribution, and failure to report suspicious orders and/or monitor distribution of opioids.

**Interrogatory 14**

State the number of pills or other dosage units of Prescription Opioids that were diverted from legitimate medical purposes in Your geographic boundaries, and the number of pills or other dosage units of Prescription Opioids that were dispensed for other than legitimate medical purposes in Your geographic boundaries for each year during the Timeframe, and describe how each number was calculated.

**Response 14**

Plaintiff objects to "other dosage units" as vague and ambiguous in meaning in that is subject to varying interpretations. Plaintiff further objects to the term "legitimate medical purposes" as vague, ambiguous, and subject to varying interpretations. Plaintiff also objects in that this Interrogatory seeks information – to extent it exists – that is presumably uniquely in the possession of Distributor Defendants and third-parties. To the extent Plaintiff was even able to identify all responsive information – and it cannot – Plaintiff objects that it would be overly burdensome and disproportionate to the needs of the case for Plaintiff to attempt to provide such a calculation for the Defendants. Plaintiff does not anticipate the "legitimate medical purposes" issue will not be the subject of expert testimony, that expert discovery and analysis of the ARCOS database is ongoing, premature, and improper to demand from Plaintiff. Relevant data, if any, and underlying data will be produced to the extent experts – if any – will rely or opine on same.



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As discovery is ongoing, should this information be the subject of fully-supported and detailed expert witness opinion(s) and if so any reliance information or data will be disclosed.

**Interrogatory 15**

State the maximum number of pills or other dosage units of Prescription Opioids that should properly have been distributed in Your geographic boundaries for legitimate medical purposes during the Timeframe. In Your response, explain how You calculated that number, including any per capita, per patient, drug family or other grouping, or any other basis on which you rely.

**Response 15**

Plaintiff objects to this Interrogatory to the extent the term “other dosage units” is vague, ambiguous, and subject to varying interpretations. This Interrogatory is contention discovery more appropriately answered once discovery is complete. *See* Fed. R. Civ. P. 33(a)(2). Plaintiff objects in that this Interrogatory seeks information already in the possession of Defendants and third-parties. Plaintiff states that it would be unduly burdensome and wholly disproportionate to the needs of the case for Plaintiff to identify the “maximum number” of individual opioid pills or other dosage units of prescription opioids that “should properly” have been distributed in its geographic boundaries for “legitimate medical purposes” during the Timeframe. Plaintiff will not speculate or opine on the maximum number of pills that should have been distributed “for legitimate medical purposes” and this is not anticipated to be the subject of expert testimony.

As discovery is ongoing, should this information be deemed relevant, it could be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with CMO 1 and the Federal Rules of Civil Procedure.

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**Interrogatory 16**

Identify every specific prescription that You believe, suspect, or contend was diverted or used – in whole or in part – for other than legitimate medical, scientific, research, or industrial purposes in Your geographical area. Include in your response: the date the prescription was written; the name(s) of the Controlled Substance(s) prescribed; the quantity of Controlled Substance(s) prescribed; the recipient of each prescription; the name of the prescriber; the name of the dispensing pharmacy, hospital, or clinic; the date the prescription was filled; whether any Defendant was involved in the Distribution of that Controlled Substance(s); whether the Controlled Substance(s) were distributed as part of a Suspicious Order (and if so what made the order suspicious); and the reason(s) why You believe, suspect, or contend that all or part of the prescription was diverted.

**Response 16**

Plaintiff objects to the term “identify every specific prescription” as overly broad and unduly burdensome with little or no relevance to the claims and defenses in this action. *See* Discovery Ruling No. 1.

The factual basis for Plaintiff’s claims are specific: the conduct of the Manufacturing Defendants in engaging in a massive false advertising campaign about opioids, coupled with the Distributor Defendants and National Retail Pharmacy Defendants’ conduct in failing to monitor and restrict the improper distribution of opioids, are substantial causes of a public health emergency in Plaintiff’s jurisdictions. This is not a collection of personal injury cases and Plaintiff does not seek any personal injury damages suffered by its residents; instead, the lawsuit seeks to abate a public nuisance affecting the communities as a whole and to compensate Plaintiff for the additional expenses caused by Defendants’ conduct and from which each profited. The burden potentially created by identifying “every specific prescription” would presumably require third-

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party subpoenas of all pharmacies, something the Defendants can do themselves. Simply put, the City of Akron and Summit County do not have specific individual prescriptions in its possession or control.<sup>2</sup>

This case will decide whether the cumulative effect of Defendants' marketing and distribution practices created the opioid public health crisis that currently exists within Plaintiff's jurisdiction. The case does not turn on whether each opioid pill, prescription, overdose, or patient is a separate public nuisance or separate "epidemic;" it is not relevant whether particular individuals in specific circumstances with individualized medical conditions abused or misused or were improperly prescribed opioids. Instead, Plaintiff's claims center on the aggregate effect of opioids on the public health, safety, and welfare within Plaintiff's jurisdiction. Experts will prove causation through aggregate proof demonstrating the link between Defendants' conduct and the exponential increase in prescribing and diversion of opioids and the resulting harms to the City of Akron and Summit County. The Defendants' actions resulted in the opioid crisis epidemic in the City of Akron and Summit County. Whether a specific resident with a history of specific substance abuse received a specific opioid prescription, is irrelevant. Defendants' repeated attempts to mischaracterize Plaintiff's legal theories under the guise of their defenses is improper and burdensome to Plaintiff beyond what is a reasonable burden proportionate to the needs of this case. If the Defendants are convinced, "every specific prescription" is relevant to its defenses, it will have to look elsewhere for that information, Plaintiff does not have it. Fed. R. Civ. P. 26. Moreover, discovery about individuals and individual health case and addiction issues is irrelevant to establishing that an opioid epidemic exists and is impermissible. *See* Fed. R. Evid. 402.

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<sup>2</sup> Distributor Defendants acknowledge that the Court has required Plaintiffs to provide some of this information by July 16, 2018. Distributor Defendants' request, however, is broader than the relevant provision of the CMO. And Defendants need the information they have requested more than one day in advance of the July 17, 2018 deadline for Defendants to add parties without leave of Court. *See* CMO 1 at 9. Defendants also require this information to conduct further discovery in Track One Case.

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Plaintiff states that it does not have information concerning the identity of every person who received an opioid prescription or became addicted to opioids in Summit County and the City of Akron – or whether or not every person received treatment – nor does it have access to the confidential, private health care records of residents who were prescribed opioids or treated for opioid addiction. In addition, Plaintiff objects to this Interrogatory on the grounds that the information sought is overly broad and vague in that it requests all medical records and all medical information related to every single person who was ever prescribed an opioid that ever made its way into Plaintiff's jurisdictions. Furthermore, this Interrogatory is so broad as to render it burdensome if not all but impossible to answer within any reasonable time. Defendants should not be allowed to examine every single prescription record and presumably then depose doctors, pharmacies, family members, treatment facilities, and nauseum about each specific prescription.

Plaintiff further responds that this Interrogatory is contention discovery more appropriately answered, if at all, once discovery is complete. *See* Fed. R. Civ. P. 33(a)(2).

The only conceivable information that Plaintiff may have that would be arguably related to the Interrogatory (though irrelevant to the case) relates only to Plaintiff's employees who received opioid treatment through Plaintiff's sponsored health insurance or worker's compensation programs. Plaintiff has produced and is producing that claims information as required by the Special Master's Order.

Subject to and without waiving all objections, Plaintiff states that it believes, suspects, or contends that the following distributors and pharmacies dispensed or distributed prescriptions that were diverted or used – in whole or in part – for other than legitimate medical, scientific, research, or industrial purposes in its geographical area:

AmerisourceBergen Drug Corp.;

Anda, Inc.

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Cardinal Health, Inc.;

CVS Health Corp.;

Discount Drug Mart, Inc.;

HBS Service Company;

Henry Schein, Inc.;

McKesson Corp.;

Miami-Luken, Inc.;

Prescription Supply, Inc.;

Rite Aid Corp.;

Rite Aid of Maryland, Inc. (d/b/a/ Rite Aid Mid-Atlantic Customer Support Center);

Walgreens Boots Alliance, Inc.;

Walmart Inc.

Subject to and without waiving all objections, Plaintiff further states that data from the ARCOS database indicates that prescriptions of oxycodone, hydrocodone, hydromorphone, and fentanyl have been diverted or used – in whole or in part – for other than legitimate medical, scientific, research, or industrial purposes in its geographical areas.

Subject to and without waiving all objections, Plaintiff states that it believes, on information and belief, that the following individuals prescribed Controlled Substances that may be part of a Suspicious Order in its geographical area:

Dr. Mark Davis  
1622 E. Turkeyfoot Lake Rd.  
Ste. 301  
Akron, OH 44312

Dr. William Kerek  
600 Portrage Trl.  
Ste. C  
Cuyahoga Falls, OH 44221

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Dr. Katherine Richmond  
405 Tallmadge Rd.  
Ste. 120  
Cuyahoga Falls, OH 44221

Dr. Clive Sinoff  
22200 Halburton Rd.  
Beachwood, OH 44122

Dr. Christopher Stegawski  
28515 E. Brockway Dr.  
Westlake, OH 44145

Plaintiff reserves the right to supplement this response upon further information.

**Interrogatory 17**

To the extent not already identified in response to Interrogatory Number 16, identify every pharmacy, clinic, or hospital inside or outside Your geographic boundaries whose conduct with respect to Prescription Opioids You believe, suspect, or contend caused harm within Your geographic boundaries. For each such pharmacy, clinic, or hospital, provide all facts You know that support Your belief, suspicion, or contention, including (without limitation): the name of the pharmacy, clinic, or hospital; each prescription filled by the pharmacy, clinic, or hospital that You believe, suspect, or contend caused harm in Your geographic boundaries; the date that each such prescription was written; the name of the prescriber; the name of the recipient of the prescription; the name(s) of the Prescription Opioids prescribed; the quantity of Prescription Opioids prescribed; the date the prescription was filled; whether any Defendant was involved in the Distribution of that Controlled Substance(s); whether the Controlled Substance(s) were distributed as part of a Suspicious Order (and if so what made the order suspicious); and the reason(s) why You believe, suspect, or contend the prescription caused harm within Your geographic boundaries.

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**Response 17**

Plaintiff objects that this Interrogatory is unduly burdensome to the extent it requests Plaintiff to search for and identify any such pharmacy, clinic, or hospital “inside or outside” Summit County. Plaintiff further objects to this Interrogatory to the extent it calls for information in the Distributors’ possession, custody, or control, or is just as available to Distributors from third-party sources as it may be available to Plaintiff, and thus places an undue and non-proportional burden on Plaintiff to gather. Plaintiff also objects to the extent that the terms “believe” and “suspect” are overbroad, vague, and not reasonably calculated to lead to discoverable information. Plaintiff further objects to the term “every specific prescription” as overly broad, irrelevant, and highly burdensome. Plaintiff objects to the extent that this Interrogatory may call for expert opinions or conclusions and the expert discovery period in this litigation has not been commenced, let alone concluded. Discovery is on-going and Plaintiff will amend its response at the close of discovery.

Subject to and without waiving all objections, Plaintiff states that as alleged in Plaintiff’s Corrected Second Amended Complaint, based on information, belief, and facts reasonably known to Plaintiff, the Manufacturers and Distributors of opioids who are listed below and as Defendants in this matter, including retail pharmacy defendants, are the parties whose conduct “with respect to Prescription Opioids [we] believe, suspect, or contend caused harm within [our] geographical boundaries”:

AmerisourceBergen Drug Corp.;

Anda, Inc.

Cardinal Health, Inc.;

CVS Health Corp.;

Discount Drug Mart, Inc.;

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HBS Service Company;

Henry Schein, Inc.;

McKesson Corp.;

Miami-Luken, Inc.;

Prescription Supply, Inc.;

Rite Aid Corp.;

Rite Aid of Maryland, Inc. (d/b/a/ Rite Aid Mid-Atlantic Customer Support Center);

Walgreens Boots Alliance, Inc.;

Walmart Inc.

Plaintiff directs Defendants to the chart at paragraph 694 of the Corrected Second Amended Complaint for a breakdown of a breakdown of the nearly 239 million units of prescription opioids delivered in Summit County between 2006 and 2014.

Subject to and without waiving all objections, Plaintiff states that while its discovery is ongoing, Plaintiff's understanding and belief is that the Manufacturers and Distributors of opioids who are listed as Defendants in this matter, are the primary, if not sole, parties whose conduct "with respect to Prescription Opioids [Plaintiff] believe[s], suspect[s], or contend[s] caused harm within [its] geographic boundaries." Additionally, as discovery is ongoing, Plaintiff expects this topic may be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with CMO 1 and the Federal Rules of Civil Procedure.

**Interrogatory 18**

Specify each category of injury (e.g. increased cost of law enforcement, fire, emergency services, etc.) for which You claim damages in the Litigation and provide a computation of damages for each category of injury alleged. For each category of injury, identify all Persons with knowledge about such damages.



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**Response 18**

Plaintiff objects to this Interrogatory as vague, overly broad, and unduly burdensome to the extent it requests “each category of injury alleged.” Plaintiff also objects to this Interrogatory to the extent that it calls for disclosure of Privileged and Confidential Information. Plaintiff further objects that this Interrogatory seeks information beyond Plaintiff’s possession, custody, and control.

Subject to and without waiving all objections, Plaintiff incorporates the allegations in the Corrected Second Amended Complaint and states that Plaintiff’s abatement efforts are under investigation in terms of categories of damages. Plaintiff’s categories of damages in this matter are expected to include, but are not limited to, the following:

- Losses caused by the decrease in funding available for Plaintiff’s public services for which funding was lost because it was diverted to other public services designed to address the opioid epidemic;
- Costs for providing healthcare and medical care for patients suffering from opioid-related addiction or disease, including overdoses and deaths;
- Costs of training emergency and/or first responders in the proper treatment of drug overdoses;
- Costs associated with providing police officers, firefighters, and emergency and/or first responders with naloxone – an opioid antagonist used to block the deadly effects of opioids in the context of overdose;
- Costs associated with emergency responses by police officers, firefighters, and emergency and/or first responders to opioid overdoses;
- Costs for providing mental-health services, treatment, counseling, rehabilitation services, and social services to victims of the opioid epidemic and their families;

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- Costs associated with law enforcement and public safety relating to the opioid epidemic, including but not limited to attempts to stop the flow of opioids into local communities, to arrest and prosecute street-level dealers, to prevent the current opioid epidemic from spreading and worsening, and to deal with the increased levels of crimes that have directly resulted from the increased homeless and drug-addicted population;
- Costs associated with various public safety and health initiatives related to the opioid epidemic;
- Costs associated with increased burden on Plaintiff's drug courts;
- Costs associated with clean-up of public parks, spaces, and facilities of needles and other debris and waste of opioid addiction;
- Loss of tax revenue due to the decreased efficiency and size of the working population in Plaintiff's communities and due to other impacts on property values and other tax generators for Plaintiff;
- Losses caused by decreased business investment and tax revenue;
- Plaintiff's contributions to the Alcohol, Drug Addiction, and Mental Health Services (ADM) board;
- Increased public safety services, including but not limited to, training, investigations, staffing, jail expenses, dispatch services, and task forces as a result of the opioid epidemic;
- Plaintiff's Health Department costs related to the opioid epidemic, which provide services targeted to patients with substance abuse problems including opioid related matters;
- Costs associated with impact of opioid epidemic on Plaintiff's vehicle fleets;
- Costs for Plaintiff to properly and adequately abate the nuisance created by the opioid epidemic; and

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- Costs for child services and foster care for opioid-dependent babies and foster children.

Subject to and without waiving all objections, Plaintiff identifies the following documents containing information responsive to this Interrogatory:

AKRON_000000003	SUMMIT_000015990	SUMMIT_000019856
AKRON_000000576	SUMMIT_000016568	SUMMIT_000019857
AKRON_000001104	SUMMIT_000016569	SUMMIT_000019858
AKRON_000001620	SUMMIT_000017896	SUMMIT_000022510
AKRON_000002119	SUMMIT_000017903	SUMMIT_000022583
AKRON_000002535	SUMMIT_000018430	SUMMIT_000022656
AKRON_000002874	SUMMIT_000018440	SUMMIT_000022730
AKRON_000003228	SUMMIT_000018601	SUMMIT_000111606
AKRON_000003930	SUMMIT_000018966	SUMMIT_000111607
SUMMIT_000009742	SUMMIT_000019112	SUMMIT_000111608
SUMMIT_000010324	SUMMIT_000019258	SUMMIT_000111609
SUMMIT_000010936	SUMMIT_000019388	SUMMIT_000111610
SUMMIT_000011824	SUMMIT_000019490	SUMMIT_000111611
SUMMIT_000014002	SUMMIT_000019580	SUMMIT_000111612
SUMMIT_000014151	SUMMIT_000019668	SUMMIT_000111613
SUMMIT_000014772	SUMMIT_000019854	SUMMIT_000111614
SUMMIT_000015385	SUMMIT_000019855	SUMMIT_000111615

Plaintiff specifically reserves the right to supplement, modify, and amend this response upon further investigation. Discovery into these topics is ongoing and will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with CMO 1 and the Federal Rules of Civil Procedure.

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On persons most knowledgeable on these topics, at this time, Plaintiff identifies Brian Nelsen for Summit County and Steve Fricker for the City of Akron.

**Interrogatory 19**

Identify each Person whose use of Prescription Opioids or other drugs resulted in expenditures by You for which you seek damages. For each such Person, provide the following information: a description of how each Person's use of Prescription Opioids or other drugs resulted in Your expenditures; the date of any such expenditures; the Controlled Substance(s) ingested by such Person; from whom such Person obtained the Controlled Substance(s) that caused his or her injury; which entity manufactured and sold the Controlled Substance(s) used by such Person; which Distributor Defendant, if any, distributed the Controlled Substance(s) used by such Person; and whether the Controlled Substance(s) were distributed as part of a Suspicious Order (and if so what made the order suspicious).

**Response 19**

Plaintiff objects to "a description of how each Person's use" of opioids "or other drugs" as overly broad, irrelevant, and unduly burdensome.

The factual basis for Plaintiff's claims are specific: the conduct of the Manufacturing Defendants in engaging in a massive false advertising campaign about opioids, coupled with the Distributor Defendants and National Retail Pharmacy Defendants' conduct in failing to monitor and restrict the improper distribution of opioids, are substantial causes of a public health emergency in Plaintiff's jurisdictions. This is not a collection of personal injury cases and Plaintiff does not seek any personal injury damages suffered by its residents; instead, the lawsuit seeks to abate a public nuisance affecting the communities as a whole and to compensate Plaintiff for the additional expenses caused by Defendants' conduct and from which each profited.

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This case concerns whether the cumulative effect of Defendants' marketing and distribution practices created the opioid public health crisis that currently exists within Plaintiff's jurisdictions. It is not whether each opioid pill, prescription, overdose, or patient is a separate public nuisance or separate "epidemic;" it is not whether particular individuals in specific circumstances with individualized medical conditions abused or misused or were improperly prescribed opioids. Instead, Plaintiff's claims center on the aggregate effect of opioids on the public health, safety, and welfare within Plaintiff's jurisdictions. Plaintiff will prove causation through aggregate proof demonstrating the link between Defendants' unlawful and tortious conduct and the exponential increase in prescribing and diversion of opioids and the resulting harms on a jurisdiction-wide basis. This will establish that the Defendants' actions were a substantial factor in the epidemic experienced by, and paid for by, Plaintiff. Whether a specific resident with a history of substance abuse received an opioid prescription, for example, is irrelevant because a definable percentage of residents who received opioids were bound to have a history of substance abuse. Discovery about individuals and individual health case and addiction issues is irrelevant to establishing that an opioid epidemic exists and is impermissible. *See Fed. R. Evid. 402.*

Plaintiff states that it does not have information concerning the identity of every person who received an opioid prescription or became addicted to opioids in Summit County and the City of Akron – whether or not they ever received treatment – or access to the confidential, private health care records of residents who were prescribed opioids or treated for opioid addiction. Furthermore, this Interrogatory is so broad as to render trial of this matter all but impossible within any reasonable time within any reasonable time while Defendants examine every "controlled substance" record and then depose patients, residents, doctors, or treatment facilities about each individual case. Even if the Interrogatory was proper and reasonably circumscribed, much of the

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information that Plaintiff may have that would be arguably related to the Interrogatory (though irrelevant to the case) relates to Plaintiff's employees who received opioid treatment through Plaintiff's sponsored health insurance or worker's compensation programs.

Plaintiff responds that this Interrogatory is contention discovery more appropriately answered once discovery is complete. *See* Fed. R. Civ. P. 33(a)(2). In addition, discovery is ongoing and this information will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with CMO 1 and the Federal Rules of Civil Procedure.

**Interrogatory 20**

Identify each Person to whom You provided treatment or assistance related to Prescription Opioid addiction, abuse, or overdose during the Timeframe. For each such Person, provide the following information: the name of the individual; the date of addiction, abuse, or overdose; the drug or drugs involved; which entity manufactured and sold the Controlled Substance(s) used by such Person which Distributor Defendant, if any, distributed Prescription Opioids used by the Person; and whether the Prescription Opioids used by the Person were distributed as part of a Suspicious Order (and if so what made the order suspicious); the nature of treatment or assistance provided; the cost of treatment or assistance provided; and the source of funding for treatment or assistance provided.

**Response 20**

Plaintiff objects to this Interrogatory to the extent it seeks the "identity of each person" to whom the City of Akron or Summit County "provided treatment or assistance" and the "drugs or drugs involved" as overly broad, irrelevant, and unduly burdensome. Plaintiff further objects to this interrogatory to the extent it seeks production of information that is protected from disclosure pursuant to Title 42, Part 2 of the Code of Federal Regulations.

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The factual basis for Plaintiff's claims are specific: the conduct of the Manufacturing Defendants in engaging in a massive false advertising campaign about opioids, coupled with the Distributor Defendants and National Retail Pharmacy Defendants' conduct in failing to monitor, report and/or restrict the improper distribution of opioids, are substantial causes of a public health emergency in Plaintiff's jurisdictions. This is not a collection of personal injury cases and Plaintiff does not seek any personal injury damages suffered by its residents; instead, the lawsuit seeks to abate a public nuisance affecting the communities as a whole and to compensate Plaintiff for the additional expenses caused by Defendants' conduct and from which each profited.

This case concerns whether the cumulative effect of Defendants' marketing and distribution practices created the opioid public health crisis that currently exists within Plaintiff's jurisdictions. It is not whether each opioid pill, prescription, overdose, or patient is a separate public nuisance or separate "epidemic;" it is not whether particular individuals in specific circumstances with individualized medical conditions abused or misused or were improperly prescribed opioids. Instead, Plaintiff's claims center on the aggregate effect of opioids on the public health, safety, and welfare within Plaintiff's jurisdictions. Plaintiff will prove causation through aggregate proof demonstrating the link between Defendants' unlawful and tortious conduct and the exponential increase in prescribing and diversion of opioids and the resulting harms on a jurisdiction-wide basis. This will establish that the Defendants' actions were a substantial factor in the epidemic experienced by, and paid for by, Plaintiff. Whether a specific resident with a history of substance abuse received an opioid prescription, for example, is irrelevant because a definable percentage of residents who received opioids were bound to have a history of substance abuse. Discovery about individuals and individual health case and addiction issues is irrelevant to establishing that an opioid epidemic exists and is impermissible. *See Fed. R. Evid. 402.*

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Furthermore, this Interrogatory is so broad as to render trial of this matter all but impossible within any reasonable time within any reasonable time while Defendants examine each and every person and record and then depose individual patients, residents, doctors, or treatment facilities about each person's individual case.

Subject to and without waiver of all objections, Plaintiff refers Defendants to its response to Interrogatory No 18.

**Interrogatory 21**

Identify all children, including infants born addicted to opioids, for whom You incurred costs for which you seek damages. For each such Person, please provide the following: the name of such Person; the name of such Person's parent(s); the Controlled Substances possessed or ingested by such Person's parent(s); which entity manufactured and sold the Controlled Substance(s) used by such Person; the source of the Controlled Substance possessed or ingested by such Person's parent(s); the date, nature, and cost of any services incurred as a result of such Person; which Distributor Defendant, if any, distributed the Controlled Substance possessed or ingested by such Person's parent(s); and whether the Controlled Substances were distributed as part of a Suspicious Order (and if so what made the order suspicious).

**Response 21**

Plaintiff objects to this Interrogatory to the extent it seeks to "identify all children" without limitation, "including infants born addicted to opioids" by the infant or child's name, parent name, "controlled substance," who distributed it, when, where, and how. Plaintiff further objects in that this Interrogatory seeks information in the possession of the Defendants.

The factual basis for Plaintiff's claims are specific: the conduct of the Manufacturing Defendants in engaging in a massive false advertising campaign about opioids, coupled with the Distributor Defendants and National Retail Pharmacy Defendants' conduct in failing to monitor



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and restrict the improper distribution of opioids, are substantial causes of a public health emergency in Plaintiff's jurisdictions. This is not a collection of personal injury cases and Plaintiff does not seek any personal injury damages suffered by its residents; instead, the lawsuit seeks to abate a public nuisance affecting the communities as a whole and to compensate Plaintiff for the additional expenses caused by Defendants' conduct and from which each profited.

This case concerns whether the cumulative effect of Defendants' marketing and distribution practices created the opioid public health crisis that currently exists within Plaintiff's jurisdictions. It is not whether each opioid pill, prescription, overdose, or NAS patient is a separate public nuisance or separate "epidemic;" it is not whether particular individuals in specific circumstances with individualized medical conditions abused or misused or were improperly prescribed opioids. Instead, Plaintiff's claims center on the aggregate effect of opioids on the public health, safety, and welfare within Plaintiff's jurisdictions. Plaintiff will prove causation through aggregate proof demonstrating the link between Defendants' unlawful and tortious conduct and the exponential increase in prescribing and diversion of opioids and the resulting harms on a jurisdiction-wide basis. This will establish that the Defendants' actions were a substantial factor in the epidemic experienced by, and paid for by, Plaintiff. Whether a specific infant was born with NAS or had a parent with a history of substance abuse related to an opioid prescription, for example, is irrelevant because a definable percentage of residents who received opioids were bound to have a history of substance abuse. Discovery about individual infants, persons, individual health and addiction issues are irrelevant to establishing that an opioid epidemic exists and is impermissible. *See Fed. R. Evid. 402.*

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Furthermore, this Interrogatory is so broad as to render trial of this matter all but impossible within any reasonable time while Defendants examine each and every person and record and then depose individual patients, residents, doctors, or treatment facilities about each person's individual case.

Subject to and without waiver of all objections, Plaintiff refers Defendants to its response to Interrogatory No 18. **Interrogatory 22**

Identify all efforts You have made to recover expenditures related to Prescription Opioid abuse, misuse, or addiction in Your geographic boundaries from any entities or individuals who have been charged with criminal offenses relating to or caused by such abuse, misuse, or addiction, including, without limitation, pharmacists, pharmacies, doctors, clinics, drug dealers, drug traffickers, or drug trafficking organizations.

**Response 22**

Plaintiff objects to this Request as vague, ambiguous, and burdensome to Plaintiff in manner not proportional to the needs of the case. Plaintiff further objects to the following language as overly broad: "any other individual or entity, including (without limitation), any entities or individuals who have been charged with criminal offenses." As cited in the Corrected Second Amended Complaint at n.224, "Plaintiffs in this action do not assert any claim for spending on prescription opioids by their health plans, workers compensation, or other programs." Plaintiff further objects to this Interrogatory to the extent that what Plaintiff may or may not have done to recover other expenditures is not relevant to the claims and defenses in this action.

Subject to and without waiving all objections, Plaintiff responds that it has sought grants, State and Federal funding, and tax increases. Plaintiff has not sued individual criminals or individual drug dealers. Drug-related civil forfeiture, if any, is not an attempt to "recover

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expenditures” covered by the opioid epidemic. Plaintiff reserves its right to amend or supplement this answer as further discovery continues.

Dated: August 13, 2018

/s/ Linda Singer

Linda Singer  
Joseph F. Rice  
Jodi Westbrook Flowers  
Anne McGinness Kearse  
David I. Ackerman  
Jeffrey C. Nelson  
MOTLEY RICE LLC  
401 9th Street NW, Suite 1001  
Washington, DC 20004  
Tel: (202) 232-5504

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**CERTIFICATE OF SERVICE**

I, Colleen Hemelgarn, certify that on August 13, 2018, I caused the foregoing to be served via electronic mail on Defendant's Liaison Counsel pursuant to the Case Management Order in this case (Dkt. No. 232).

/s/ Colleen Hemelgarn

# Exhibit D

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE NATIONAL PRESCRIPTION  
OPIATE LITIGATION

This document relates to:  
*The County of Summit, Ohio, et al. v. Purdue  
Pharma L.P., et al.*  
Case No. 18-op-45090

MDL No. 2804

Case No. 17-md-2804

Judge Dan Aaron Polster

**SUMMIT COUNTY AND CITY OF AKRON, OHIO'S RESPONSES AND OBJECTIONS  
TO DISTRIBUTOR DEFENDANTS' FOURTH SET OF INTERROGATORIES**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and the Case Management Order in *In re National Prescription Opiate Litigation*, No. 1:17-cv-2804 (Dkt. No. 232), the County of Summit, Ohio and the City of Akron, Ohio (collectively "Plaintiff") hereby responds to Distributor Defendants'<sup>1</sup> Fourth Set of Interrogatories (the "Interrogatories" and, each individually, an "Interrogatory"), as follows:

**OBJECTIONS**

The following objections apply to each Interrogatory. To the extent that certain specific objections are cited in response to an individual Interrogatory, those specific objections are provided because they are applicable to that specific Interrogatory and are not a waiver of the other objections applicable to information falling within the scope of such Interrogatory.

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<sup>1</sup> The Distributor Defendants are AmerisourceBergen Drug Corporation, Cardinal Health, Inc., and McKesson Corporation (collectively "Distributor Defendants").

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1. Plaintiff objects to each Interrogatory to the extent they are overly broad, vague, unduly burdensome, seek information that is not relevant to any party's claim or defense, or seek to impose obligations or require actions beyond those required by the Federal Rules of Civil Procedure, the ESI Protocol entered in this matter, or the Local Rules of the United States District Court of the Northern District of Ohio.

2. Plaintiff objects to each Interrogatory to the extent they seek information restricted from dissemination pursuant to court order, statute, or regulation. Further, any response made by Plaintiff to the Interrogatories is not intended to waive, and does not constitute any waiver of, any objection to the admissibility, authenticity, competency, or relevance of the information produced or identified.

3. These responses are made solely for the purpose of and in relation to this action. Each answer is given subject to all appropriate objections, which would require the exclusion at trial of any statement contained or document provided herein. All such objections and the grounds therefore are hereby reserved.

4. No admission of any nature whatsoever is to be implied or inferred in these responses. The fact that any of the Interrogatories herein may have been answered should not be taken as an admission or a concession of the existence of any facts set forth or assumed by the Interrogatories, or that such answer constitutes evidence of any fact thus set forth or assumed.

5. Plaintiff objects to each Interrogatory to the extent Plaintiff has not yet completed its investigation of the facts relating to this action and has not yet completed its preparation for trial. Accordingly, these responses are necessarily limited in nature, and reflect only that information known to Plaintiff at this time.

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6. Plaintiff objects to each Interrogatory to the extent they purport to require Plaintiff to produce documents that are in the public domain or otherwise available to Distributor Defendants as easily from other sources as from Plaintiff.

7. Plaintiff objects to each Interrogatory to the extent they purport to state facts, assumptions, or characterizations that are disputed.

8. Plaintiff objects to each Interrogatory to the extent they seek information more appropriately obtained through other methods of discovery.

9. Plaintiff objects to each Interrogatory to the extent that they seek information that is proprietary or confidential or that is protected from discovery as attorney work product and attorney-client communication, information gathered or prepared in anticipation of litigation, the public interest privilege, law enforcement privilege, public official privilege, and/or by any other privilege or immunity from disclosure (collectively, "Privileged Information").

10. Plaintiff objects to each Interrogatory to the extent they seek confidential investigative, personal, or health information in Plaintiff's possession, custody, or control (collectively, "Confidential Information").

11. Whenever in the responses Plaintiff employs the phrase "subject to and without waiving all objections," Plaintiff is responding to the Interrogatory as it may be narrowed by its general and specific objections and without waiver of any objection.

12. Any response stating that Plaintiff will produce documents shall be deemed followed by the phrase "as are within Plaintiff's possession, custody, or control."

13. Plaintiff objects to each Interrogatory to the extent that they imply the existence of facts or circumstances that do not or did not exist, and to the extent that it states or assumes legal



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conclusions. In providing these objections and responses, Plaintiff does not admit the factual or legal premise of any Interrogatory.

14. Plaintiff objects to each Interrogatory to the extent they seek information that is not within Plaintiff's possession, custody, or control, seek documents that do not already exist, or which purport to require a response by Plaintiff on behalf of an entity or individual other than Plaintiff.

15. Plaintiff reserves the right to supplement, revise, correct, or clarify its responses and objections in the event that additional information becomes available.

16. Plaintiff intends to complete its responses by the time agreed upon by the parties for the completion of discovery, or by the date ordered by the Court. Upon request by the requesting party, Plaintiff is willing to meet and confer regarding its responses to the Interrogatories. All final decisions regarding whether any information will be withheld pursuant to any objection shall be made, and notice thereof provided, before the completion of written discovery.

17. Plaintiff objects to the Distributors Defendants' instruction that: "Each Plaintiff must individually respond to each of these Interrogatories." No federal rule prevents Plaintiff from submitting collective answers to Distributor Defendants' collective Interrogatories. Where the responses and objections to these Interrogatories are the same for each Plaintiff, a collective response herein will in no way prejudice the Distributor Defendants. In each instance where the answers are not the same for each Plaintiff, any differences have been set forth herein with particularity.

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### **NON-WAIVER**

1. Plaintiff's responses are made without waiving its right to object (on the grounds of relevancy, hearsay, materiality, competency or any other ground) to the use of its responses in any subsequent stage or proceeding in this action or any other action.

2. If Plaintiff, in response to any Interrogatory, inadvertently discloses information that is or could be the subject of the objections stated herein, such disclosure is not intended to be, nor is it deemed to be, a waiver of the objections with respect to such information disclosed.

3. Plaintiff's failure to object to a specific Interrogatory on a particular ground or grounds shall not be construed as a waiver of its rights to object on any additional grounds.

4. Plaintiff responds herein based upon information it has been reasonably able to gather at the time of making these responses. Plaintiff reserves its right to amend and/or to supplement its objections and responses to the Interrogatories, consistent with further investigation and discovery.

### **SPECIFIC RESPONSES AND OBJECTIONS**

#### **Interrogatory No. 23**

Identify each Suspicious Order that you believe was shipped to Your geographic area by a Distributor Defendant during the time period for which you seek damages in this lawsuit. For each order, identify the date the order was shipped, the medication shipped, the number of dosage units shipped, the number of dosage units that you contend would have been permissible to ship, the reason you believe the order was suspicious, the Distributor Defendant that shipped the allegedly Suspicious Order, and the person or entity that placed the order.

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**Response to Interrogatory No. 23**

Plaintiff objects to this Interrogatory to the extent it purports to require Plaintiff to create documents, or gather data, that Plaintiff does not maintain in the ordinary course of business. Because compiling further information, including this information on Suspicious Order Reports (“SORs”), would necessitate the preparation of a compilation or summary of information and the burden or expense of preparing or making it would be substantially the same for Defendants as for Plaintiff, Plaintiff exercises its right under Federal Rule of Civil Procedure 33(d) to produce documents as its response to this portion of the Interrogatory. Plaintiff will supplement this response to provide relevant Bates numbers. Plaintiff objects to this Interrogatory as unduly burdensome and not proportional to the needs of this case in calling for Plaintiff to identify “each Suspicious Order [Defendants]shipped to Your Geographic area” “the date shipped, the medication shipped, or the number of dosage units shipped.” Plaintiff objects to the phrases “contend[s] would have been permissible to ship” and “the reason” the order was suspicious as vague and ambiguous in this context. Plaintiff objects to this Interrogatory because its scope is not limited to individuals either employed by or having an otherwise substantive relationship with Summit County or the City of Akron. Plaintiff also objects to this Interrogatory because it is not proportional to the needs of the case considering (1) the marginal importance of the materials to the defenses in this litigation and (2) the substantial burden to the Plaintiff to respond.

Subject to and without waiving all objections, Plaintiff responds as follows: the Controlled Substances Act (“CSA”) requires manufacturers and distributors of Schedule II substances like opioids to: (a) limit sales within a quota set by the DEA for the overall production of Schedule II substances like opioids; (b) register to manufacture or distribute

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opioids; (c) maintain effective controls against diversion of the controlled substances that they manufacture or distribute; and (d) design and operate a system to identify suspicious orders of controlled substances, halt such unlawful sales, and report them to the DEA.

Defendants have several responsibilities under state and federal law with respect to control of the supply chain of opioids. The DEA provides a series of guidelines on Suspicious Orders Reporting (“SOR”), contained in the Chemical Handlers Manual, that “are intended to assist chemical manufacturers, distributors, wholesalers and retailers to be alert to suspicious orders involving listed chemicals,” which include opioids. “The guidelines are intended to apply to all aspects of commercial chemical manufacturing and distribution.” Defendants must set up a system to prevent diversion, including excessive volume and other suspicious orders. This includes reviewing Defendants’ own data, relying on their observations of prescribers and pharmacies, and following up on reports or concerns of potential diversion. All suspicious orders must be reported by Defendants to relevant enforcement authorities. Further, distributors must also stop shipment of any order which is flagged as suspicious and only ship orders which were flagged as potentially suspicious if, after conducting due diligence, they can determine that the order is not likely to be diverted into illegal channels.

To ensure that even drugs produced within quota are not diverted, federal regulations issued under the CSA mandate that all registrants, manufacturers, and distributors alike, “design and operate a system to disclose to the registrant suspicious orders of controlled substances.” 21 C.F.R. § 1301.74(b). Registrants are not entitled to be passive (but profitable) observers, but rather “shall inform the Field Division Office of the Administration in his area of suspicious orders when discovered by the registrant.” *Id.* Suspicious orders include orders of unusual size,

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orders deviating substantially from a normal pattern, and orders of unusual frequency. *Id.* Other red flags may include, for example, “[o]rdering the same controlled substance from multiple distributors.” *Id.*

These criteria are disjunctive and are not all inclusive. For example, if an order deviates substantially from a normal pattern, the size of the order does not matter and the order should be reported as suspicious. Likewise, a distributor or manufacturer need not wait for a normal pattern to develop over time before determining whether a particular order is suspicious. The size of an order alone, regardless of whether it deviates from a normal pattern, is enough to trigger the responsibility to report the order as suspicious. The determination of whether an order is suspicious depends not only on the ordering patterns of the particular customer but also on the patterns of the entirety of the customer base and the patterns throughout the relevant segment of the industry. For this reason, identification of suspicious orders serves also to identify excessive volume of the controlled substance being shipped to a particular region.

Subject to and without waiver of the foregoing objections, Plaintiff states that although it has been aware of individual instances of diversion within its jurisdiction, as a result of Defendants’ knowing and active concealment of the true nature of their conduct, Plaintiff lacked knowledge linking those diversion events to Defendants’ improper marketing and distribution practices.

Subject to and without waiving all objections, Plaintiff answers with the following list of prescription opioids at issue in the case:

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OxyContin	MS Contin
Dilaudid	Dilaudid-HP
Butrans	Hysingla ER
Targiniq ER	Kadian
Norco	Actiq
Fentora	Duragesic
Nucynta	Nucynta ER
Opana ER	Opana
Percodan	Percocet
Generic Oxycodone	Generic Oxymorphone
Generic Hydromorphone	Generic Hydrocodone
Fentanyl	Exaglo
Roxicodone	Xartemis XR
Methadose	Generic Methadone Hydrochloride
Generic Morphine Sulfate Oral Solution	Generic Fentanyl Transdermal System
Generic Oral Transmucosal Fentanyl Citrate	Generic Oxycodone and Acetaminophen
Generic Hydrocodone Bitartrate and Acetaminophen	Generic Hydromorphone Hydrochloride
Generic Hydromorphone Hydrochloride ER	Generic Naltrexone Hydrochloride
Generic Oxymorphone Hydrochloride	Generic Methadone Hydrochloride
Generic Oxycodone Hydrochloride	Generic Buprenorphine and Naloxone

Subject to and without waiver of the foregoing objections, Plaintiff further responds that the increased volume of opioid prescribing correlates directly to skyrocketing addiction, overdose and death; black markets for diverted prescription opioids; and a concomitant rise in heroin and fentanyl use by individuals who could no longer legally acquire or simply could not afford prescription opioids. Plaintiff states that Plaintiff's current knowledge of this subject is detailed at length in paragraphs 498-606 of Plaintiff's Corrected Second Amended Complaint, which provides a more than adequate detail on the facts at issue. Plaintiff also responds that this Interrogatory is contention discovery more appropriately answered once written discovery is completed. *See* FRCP 33(a)(2). Plaintiff will produce a trial witness list and expert reports pursuant to the scheduling orders in this case and the Federal Rules of Civil Procedure. Pursuant

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to Federal Rule of Civil Procedure 33(d), Plaintiff reserves the right to further answer this Interrogatory by producing non-privileged, responsive documents, if any, from centrally located databases or from the files of designated custodians – or the DEA’s production – after conducting a reasonably diligent search using predetermined keyword searches and reviewing the results, and subject to a determination that producing such records would not be unduly burdensome. Plaintiff reserves the right to amend, supplement or modify this response as discovery proceeds. As discovery is ongoing, this information will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with CMO 1 and the Federal Rules of Civil Procedure.

**Interrogatory No. 24**

Identify all false and/or fraudulent information that You allege any Distributor Defendant supplied to the Drug Enforcement Administration about Suspicious Orders as alleged in Paragraph 859 of the Second Amended Complaint.

**Response to Interrogatory No. 24**

Plaintiff objects to this Interrogatory to the extent the term “all false and/or fraudulent information” is vague and ambiguous and subject to varying interpretations. Plaintiff objects to this Interrogatory as unduly burdensome and not proportional to the needs of this case because it would be virtually, if not literally, impossible for Plaintiff to identify “all false and/or fraudulent information” that Defendants “supplied to the Drug Enforcement Administration.” Plaintiff is not privy to the Defendants’ communications with the DEA. Plaintiff objects in that this Interrogatory seeks information in the possession of Defendants and/or third-parties. To the extent Plaintiff were able to identify all responsive information, Plaintiff objects that it would be unduly burdensome

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and disproportionate to the needs of the case for Plaintiff to be asked to identify all false and/or fraudulent information that the Distributor Defendants supplied to the Drug Enforcement Administration (“DEA”) about Suspicious Orders. Plaintiff objects to this Interrogatory as vague, ambiguous, and overly broad in its use of the phrase “all false and/or fraudulent information” as subject to varying interpretations.

This Interrogatory is contention discovery more appropriately answered once discovery is complete. *See* Fed. R. Civ. P. 33(a)(2). Subject to and without waiving all objections, Plaintiff states that Plaintiff’s current knowledge of this subject is reflected in Plaintiff’s Corrected Second Amended Complaint, and any additional information will be amended and supplemented as discovery proceeds. Plaintiff incorporates its answer and objections to Interrogatory 23 by reference.

Pursuant to Federal Rule of Civil Procedure 33(d), Plaintiff reserves the right to further answer this Interrogatory by producing non-privileged, responsive documents, if any, from centrally located databases or from the files of designated custodians after conducting a reasonably diligent search using predetermined keyword searches and reviewing the results, and subject to a determination that producing such records would not be unduly burdensome.

As discovery is ongoing, this information will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with the scheduling orders in this case and the Federal Rules of Civil Procedure.

**Interrogatory No. 25**

Identify with specificity each of the predicate acts of racketeering activity You allege each of AmerisourceBergen Drug Corporation, Cardinal Health, Inc. and McKesson Corporation



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committed, conspired to commit, and/or aided and abetted the commission of for the time period you seek damages in this lawsuit. For each predicate act, provide the date, the conduct that constituted the predicate act, the Defendant(s) involved, the reason that conduct constituted a predicate act of racketeering, and any other individuals/entities involved.

**Response to Interrogatory No. 25**

Plaintiff objects to this Interrogatory to the extent the term “predicate acts of racketeering activity” is vague and ambiguous and subject to varying interpretations. Plaintiff also objects in that this Interrogatory seeks information already in the possession of Defendants and/or third-parties. To the extent Plaintiff were able to identify all responsive information, Plaintiff objects that it would be unduly burdensome and disproportionate to the needs of the case for Plaintiff to identify each predicate act of racketeering that AmerisourceBergen Drug Corporation, Cardinal Health, Inc., and McKesson Corporation committed, conspired to commit, and/or aided and abetted. This Interrogatory is contention discovery more appropriately answered once discovery is complete. *See* Fed. R. Civ. P. 33(a)(2).

Subject to and without waiving all objections, Plaintiff states that Plaintiff’s current knowledge of this subject is detailed at length in paragraphs 814-877 and 906-938 of Plaintiff’s Corrected Second Amended Complaint, and any additional information will be provided as discovery proceeds.

As discovery is ongoing, this information will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with the scheduling orders in this case and the Federal Rules of Civil Procedure.

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**Interrogatory No. 26**

Identify all facts and evidence that support Your contention that the Distributor Defendants agreed to implement similar tactics in their refusal to report Suspicious Orders as alleged in Paragraph 922 of the Second Amended Complaint.

**Response to Interrogatory No. 26**

Plaintiff objects to this Interrogatory to the extent the terms “agreed to implement similar tactics” in “refusal to report” are vague and ambiguous and incapable of precise meaning in this context. Plaintiff also objects in that this Interrogatory seeks information in the possession of Defendants and/or third-parties. To the extent Plaintiff were able to identify all responsive information, Plaintiff objects that it would be unduly burdensome and disproportionate to the needs of the case for Plaintiff to identify all of the facts and evidence that show that the Distributor Defendants implemented similar tactics in their refusal to report Suspicious Orders. This Interrogatory is contention discovery more appropriately answered once discovery is complete. *See Fed. R. Civ. P. 33(a)(2).*

Subject to and without waiving all objections, Plaintiff states that it believes, suspects, or contends that chronic diversion the number of Suspicious Orders increased dramatically over time but were never reported accurately and no serious attempt to control them was made by the Distributor Defendants. Plaintiff states that Plaintiff’s current knowledge of this subject is detailed at length in paragraphs 498-606, 814-877 and 906-938 of Plaintiff’s Corrected Second Amended Complaint, which provides a more than adequate response, and any additional information will be provided as discovery proceeds.

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Subject to and without waiving all objections, Plaintiff states that the ARCOS database identifies the following pharmacies as having Suspicious Orders for Prescription Opioids within Summit County:

#	PHARMACY/BUYER NAME	CITY/STATE
1	Dr. A. J. GINGO	AKRON, OH
2	THE FRED W ALBRECHT GROCERY CO	STOW, OH
3	RITZMAN PHARMACY #107	AKRON, OH
4	SUMMIT PAIN SPECIALISTS PHARMACY	STOW, OH
5	RITZMAN PHARMACY #106	NORTON, OH
6	THE FRED W ALBRECHT GROCERY	AKRON, OH
7	SKILLED CARE PHARMACY-CLEV	TWINSBURG, OH
8	WALGREEN CO.	CUYAHOGA FALLS, OH
9	RITZMAN PHARMACY #101	AKRON, OH
10	OHIO CVS STORES, L.L.C.	AKRON, OH
11	ACME PHARMACY #11	TALLMADGE, OH
12	WALGREEN CO.	AKRON, OH
13	MARC GLASSMAN INC	AKRON, OH
14	RITE AID OF OHIO, INC.	BARBERTON, OH
15	TARGET STORES A DIV. OF TARGET CORP.	AKRON, OH
16	KLEIN'S PHARMACY	CUYAHOGA FALLS, OH
17	GIANT EAGLE PHARMACY #4036	CUYAHOGA FALLS, OH
18	CHILDRENS HOSPITAL MED CTR	AKRON, OH
19	FRED W ALBRECHT GROCERY CO	AKRON, OH
20	GLASSMAN INC	SAGAMORE HILLS, OH
21	RITE AID OF OHIO, INC.	AKRON, OH
22	RITE AID OF OHIO, INC.	TALLMADGE, OH
23	SUMMA HEALTH SYSTEM	AKRON, OH
24	GIANT EAGLE PHARMACY #5878	CUYAHOGA FALLS, OH

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25	THE FRED W ALBRECHT GROCERY	AKRON, OH
26	AKRON PHARMACY	AKRON, OH
27	GIANT EAGLE PHARMACY #6299	NORTHFIELD, OH
28	KLEIN'S COMMUNITY HEALTH	AKRON, OH
29	MARCS CHAPEL HILL INC	CUYAHOGA FALLS, OH
30	TARGET STORES A DIV.OF TARGET CORP.	FAIRLAWN, OH
31	KMART PHARMACY #7383	BARBERTON, OH
32	THE FRED W ALBRECHT GROC CO	NORTON, OH
33	RITZMAN PHARMACY #105	AKRON, OH
34	THE FRED W ALBRECHT GROCERY	HUDSON, OH
35	RITE AID OF OHIO, INC.	FAIRLAWN, OH
36	THE FRED W ALBRECHT GROCERY	STOW, OH
37	RITE AID OF OHIO, INC.	AKRON, OH
38	THE FRED W ALBRECHT GROCERY	CUYAHOGA FALLS, OH
39	GIANT EAGLE PHARMACY #4031	BARBERTON, OH
40	GIANT EAGLE PHARMACY #4030	TALLMADGE, OH
41	RITE AID OF OHIO, INC.	AKRON, OH
42	COLONIAL PHARMACY	BATH, OH
43	MARC	AKRON, OH
44	NEW CHOICE PHARMACY	CUYAHOGA FALLS, OH
45	VA OUTPATIENT CLINIC	AKRON, OH
46	RITE AID OF OHIO, INC.	AKRON, OH
47	GIANT EAGLE PHARMACY #4124	AKRON, OH
48	GIANT EAGLE PHARMACY #4029	AKRON, OH

Plaintiff incorporates its answer and objections to Interrogatory 23 by reference. Plaintiff reserves the right to modify, amend or supplement this answer as discovery is ongoing and this information will be the subject of fully-supported and detailed expert witness opinion(s) that will

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be disclosed in accordance with the scheduling orders in this case and the Federal Rules of Civil Procedure.

**Interrogatory No. 27**

Identify and describe each statement or omission relating to Prescription Opioids that were made or disseminated by any of the Manufacturer Defendants and that You allege the Distributor Defendants knew were false, misleading, unfair, deceptive or otherwise actionable and, for each, identify each specific Distributor Defendant who had such knowledge, explain the basis for your contention that it had such knowledge, state the specific act(s) or omission(s) that each Distributor Defendant took with such knowledge, and describe how such act(s) or omission(s) caused a quantifiable harm to You.

**Response to Interrogatory No. 27**

Plaintiff objects to this Interrogatory as vague, ambiguous and overly broad in its use of the phrases “each statement or omission” that were “false, misleading, unfair, deceptive or otherwise actionable” and “the specific act(s) or omissions that each Distributors took with such knowledge” as phrases that are subject to varying meanings and interpretations. Plaintiff further objects to this Interrogatory as unduly burdensome and not proportional because it would be virtually, if not literally, impossible for Plaintiff to identify each and every “statement or omission” by Defendants that were “false, misleading, unfair, deceptive or otherwise actionable” and “the specific act(s) or omission(s)” each Distributor “took with such knowledge.” Plaintiff objects to the terms “statement or omission” as vague and ambiguous. Plaintiff objects to the terms “knowledge” and “quantifiable harm” as vague, ambiguous and subject to varying meanings and interpretations. Plaintiff objects to this Interrogatory to the extent it calls for information in the

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Manufacturer Defendants' and/or Distributors' possession, custody, or control. This Interrogatory calls for a premature contention interrogatory, more appropriately answered once discovery is complete. *See* Fed. R. Civ. P. 33(a)(2).

Subject to and without waiving all objections, Plaintiff states that Plaintiff's current knowledge of this subject is reflected in Plaintiff's Corrected Second Amended Complaint, and any additional information will be supplemented as Defendants produce documents and discovery proceeds pursuant to scheduling orders in this case and the Federal Rules of Civil Procedure. Plaintiff further directs Distributor Defendants to the following statements or omissions relating to Prescription Opioids that were made or disseminated by any of the Manufacturer Defendants that were false, misleading, unfair, deceptive or otherwise actionable:

<b>Falsehood</b>	<b>Explanation</b>
The risk of addiction from chronic opioid therapy is low	<p>When it launched OxyContin, Purdue cited in promotional and educational materials a single paragraph from a letter published in 1980 by Dr. Hershel Jick and Jane Porter in the New England Journal of Medicine as evidence of the low risk of addiction to opioids. In fact, Purdue included reference to this letter in a 1998 promotional video entitled, "I got my life back," in which Dr. Alan Spanos states, "In fact, the rate of addiction amongst pain patients who are treated by doctors is much less than 1%."</p> <p>Until April 2012, Endo stated on its website that "...patients treated with prolonged opioid medicines usually do not become addicted;" a statement echoed on the website of its close affiliate, APF. Endo also published and distributed multiple pamphlets and brochures downplaying addiction as it related to opioids, including but not limited to "Pain: Opioid Facts," "Understanding Your Pain: Taking Oral Opioid Analgesics" and "Pain: Opioid Therapy."</p> <p>Janssen claimed on its unbranded website – <a href="http://www.PrescribeResponsibility.com">www.PrescribeResponsibility.com</a> – that concerns about opioid addiction are "overestimated" and that "true addiction occurs only in a small percentage of patients." Janssen also published a patient education guide entitled "Finding Relief: Pain Management for Older Adults" describing opioid addiction as a myth and that "many studies show opioids are <i>rarely</i> addictive..." which, until recently, was available online.</p>

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Falsehood	Explanation
	<p>Cephalon sponsored a 2007 publication from APF entitled “Treatment Options: A Guide for People Living with Pain” which taught that opioid addiction is rare.</p> <p>Actavis published material that claimed it is “less likely” to become addicted to opioids in those who “have never had an addiction problem.” The same publication notes that a need for a “dose adjustment” is the result of tolerance, and “not addiction.” A 2007 guide for prescribers published under Actavis’s copyright states that Kadian is more difficult to abuse and less addictive than other opioids.</p> <p>Mallinckrodt created the C.A.R.E.S. (Collaborating and Acting Responsibly to Ensure Safety) Alliance in 2010 which promoted a book entitled “Defeat Chronic Pain Now!” in which opioids were stated to “rarely” cause addiction.</p>
To the extent there is a risk of addiction, it can be easily identified and managed	<p>Purdue and Cephalon sponsored the APF’s publication, “Treatment Options: A Guide for People Living with Pain” in 2007, which falsely reassured patients that opioid agreements between doctors and patients can “ensure that you take the opioid as prescribed.” Janssen stated on its website – <a href="http://www.PrescribeResponsibly.com">www.PrescribeResponsibly.com</a> – that opioid addiction “can usually be managed” through tools such as opioid agreements between patients and doctors. Purdue also sponsored a 2011 webinar taught by Dr. Lynn Webster entitled “Managing Patient’s Opioid Use: Balancing the Need and Risk” wherein prescribers were told that screening tools, urine tests, and patient agreements have the effect of preventing “overuse of prescriptions” and “overdose deaths.” Endo paid for a 2007 supplement for continuing education credit in the “Journal of Family Practice” entitled “Pain Management Dilemmas in Primary Care: Use of Opioids” which recommended screening patients and the use of the Opioid Risk Tool.</p>
Signs of addictive behavior are “psuedoaddiction,” requiring more opioids	<p>Cephalon, Endo and Purdue sponsored the Federation of State Medical Board’s (“FSMB”) publication entitled “Responsible Opioid Prescribing” in 2007 which stated that such behaviors as “requesting drugs by name,” “demanding or manipulative behavior,” seeing more than one doctor to obtain opioids and hoarding are all signs of “pseudoaddiction” (not genuine addiction). Purdue published an unbranded pamphlet entitled “Clinical Issues in Opioid Prescribing” in 2005 which was circulated through 2007 and available on its website through 2013. This pamphlet stated that “illicit drug use and deception” were not evidence of true addiction, but rather “pseudoaddiction.” Endo sponsored a CME program in 2009 entitled “Chronic Opioid Therapy: Understanding Risk While Maximizing Analgesia,” which promoted pseudoaddiction. Janssen</p>

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<b>Falsehood</b>	<b>Explanation</b>
	sponsored, funded and edited a website entitled “Let’s Talk Pain” which in 2009 stated that pseudoaddiction “...refers to patient behaviors that may occur when pain is undertreated...”
Opioid withdrawal can be avoided by tapering	Endo sponsored an educational program entitled “Persistent Pain in the Older Adult” which claimed that withdrawal symptoms could be avoided by simply tapering a patient’s opioid dose over ten days. Similarly, Purdue sponsored APF’s publication “A Policymaker’s Guide to Understanding Pain & Its Management” which taught that “[s]ymptoms of physical dependence can often be ameliorated by gradually decreasing the dose of medication during discontinuation.” Neither Defendant explained the significant hardships associated with cessation of use.
Opioid doses can be increased without limit or greater risks	Purdue omitted the increased risk of respiratory distress and death from increasing opioid dosage from its 2010 “Risk Evaluation and Mitigation Strategy” for OxyContin. Endo published on its website a patient education pamphlet entitled “Understanding Your Pain: Taking Oral Opioid Analgesics” that responds to the question, “If I take the opioid now, will it work later when I really need it?” with “The dose can be increased... You won’t ‘run out’ of pain relief.” Purdue and Cephalon also sponsored APF’s 2007 “Treatment Options: A Guide for People Living with Pain” which taught patients that opioids have “no ceiling dose” and are therefore safer than NSAIDs.
Long-term opioid use improves functioning	Janssen promoted Duragesic through an ad campaign as improving a patient’s functioning and work productivity. Janssen’s “Let’s Talk Pain” website featured a video interview claiming that opioids were what allowed a patient to “continue to function.” Similarly, Purdue ran a full-page ad for OxyContin in the Journal of the American Medical Association stating, “There Can Be Life With Relief” and implying that OxyContin would help users’ function; however the FDA noted that Purdue failed to warn that patients could die from taking OxyContin. Purdue also ran advertisements in medical journals in 2012 touting that OxyContin would help a “writer with osteoarthritis of the hands” work more effectively. Since May 2011, Endo has distributed and made available on its website – <a href="http://www.Opana.com">www.Opana.com</a> – a pamphlet implying that patients with physically demanding jobs would achieve long-term pain relief and functional improvement. Mallinckrodt’s website claims that “[t]he effective pain management offered by our [opioids] helps enable patients to stay in the workplace, enjoy interactions with family and friends, and remain an active member of society.”
Alternative forms of pain relief pose greater risks than opioids	Purdue and Cephalon sponsored APF’s publication entitled “Treatment Options: A Guide for People Living with Pain” warning of increased risks if NSAIDs are “taken for more than a period of months;” falsely attributing 10,000 to 20,000 deaths



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Falsehood	Explanation
	<p>annually to NSAID overdoses when the figure is closer to 3,200. In 2009, Janssen sponsored a publication entitled, “Finding Relief: Pain Management for Older Adults” which listed dose limitations as “disadvantages” of other pain medicines. It also listed a number of serious health effects as disadvantages of NSAIDs while only listing “upset stomach or sleepiness” and constipation as disadvantages of opioids. Purdue and Endo sponsored a CME issued by the AMA in 2003, 2007, 2010 and 2013 entitled “Overview of Management Options” which taught that NSAIDs and other drugs, but not opioids, are unsafe at high doses.</p>
OxyContin provides twelve hours of pain relief	<p>In 2000, Purdue advertised that OxyContin provides “Consistent Plasma Levels Over 12 Hours;” however the oxycodone does not enter the body at a linear rate, releasing a greater proportion upon administration and gradually tapering over 12 hours. These 12-hour dosing advertisements ran in the <i>Journal of Pain</i> in February 2005 and the <i>Clinical Journal of Pain</i> in 2006.</p>
New formulations of certain opioids successfully deter abuse	<p>Purdue presented an article in 2013 based on a review of data from poison control centers concluding that its ADF OxyContin can reduce abuse, but failed to acknowledge that abuse merely shifted to other drugs and that there were actually more harmful exposures to opioids after the reformulation. In 2016, Dr. J. David Haddox, VP of Health Policy for Purdue, falsely claimed that the evidence does not show Purdue’s ADF opioids are being abused in large numbers.</p> <p>Endo’s promotion of its Opana ER also tended to omit material facts according to a May 2012 letter from the FDA to Endo. Endo submitted a citizen petition asking the FDA for permission to label Opana ER as abuse-resistant, and also went so far as to sue the FDA to force expedited consideration of this change. Endo falsely promoted Opana ER as having been designed to be crush-resistant, knowing that this would (falsely) imply that it was actually crush-resistant and less likely to be abused (as stated in a June 14, 2012 press release). Endo initiated journal advertisements that appears in April 2013 stating Opana ER was “designed to be crush resistant.”</p> <p>Likewise, Actavis copyrighted a guide for prescribers representing that Kadian is more difficult to abuse and less addictive than other opioids. Mallinckrodt promoted both Exalgo and Xartemis XR as specifically formulated to reduce abuse, going so far as to state, “XARTEMIS XR has technology that requires abusers to exert additional effort to extract the active ingredient from the large quantity of inactive and deterrent ingredients.”</p>

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Additionally, as Plaintiff's investigation is ongoing, Plaintiff expects this topic will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with scheduling orders in this case and the Federal Rules of Civil Procedure.

**Interrogatory No. 28**

Describe how, if at all, You used the information contained in the Ohio Automated Rx Reporting System (OARRS), to address prescription drug diversion and abuse.

**Response to Interrogatory No. 28**

Plaintiff objects to this Interrogatory as vague, overly broad, and unduly burdensome to the extent it requests the County of Summit and the City of Akron to identify how the Ohio Automated Rx Reporting System (OARRS) is "used" to "address prescription drug diversion" and "abuse." Plaintiff objects to the terms "used," "address" and "abuse" as vague and subject to varying interpretations. Plaintiff objects to this Interrogatory to the extent that it calls for disclosure of Privileged or Confidential Information, information protected by HIPAA, or information more readily accessible to third parties. Plaintiff objects to this Interrogatory to the extent it purports to require Plaintiff to create documents, or gather data, that Plaintiff does not maintain in the ordinary course of business.

Subject to and without waiving all objections, Plaintiff states that certain City and County employees, including but not limited to law enforcement and the medical examiner's office, use the Ohio Automated Rx Reporting System (OARRS) to make requests for Prescription Opioid history reports; identify prescribers linked to Prescription Opioid overdose deaths; identify, report or prosecute doctors or pharmacies that may have engaged in diversion of opioids and allow its drug courts to track participants' use of controlled substances.

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Pursuant to Federal Rule of Civil Procedure 33(d), Plaintiff reserves the right to answer this Interrogatory by producing non-privileged, responsive documents, if any, from centrally located databases or from the files of designated custodians after conducting a reasonably diligent search. Plaintiff specifically reserves the right to supplement, modify or amend this response as discovery proceeds. Further, this information will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with the scheduling orders in this case and the Federal Rules of Civil Procedure.

**Interrogatory No. 29**

For each Suspicious Order that You contend was shipped into Your geographic area by a Distributor Defendant, identify how, if at all, the Prescription Opioids were used following the shipment, including what percentage of the Prescription Opioids were diverted, abused, used for legitimate medical purposes, used in some other manner, or destroyed, and if the Prescription Opioids were diverted, abused, or otherwise used improperly, who was involved in such diversion, abuse, or other improper use.

**Response to Interrogatory No. 29**

Plaintiff objects to this Interrogatory as overly broad, vague and ambiguous in its use of the phrases “identify how, if at all, the Prescription Opioids were used following the shipment” and “what percentage of the Prescription Opioids were “diverted, abused, used” for “legitimate medical purposes, used in some other manner or destroyed” as overly broad, vague and ambiguous phrases that are subject to varying interpretations. Plaintiff also objects to the terms “diverted,” “abused” and “used for legitimate medical purposes” in this context as overly broad, vague, ambiguous and unduly burdensome as drafted. Plaintiff objects to “used in some manner” and

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“otherwise used improperly” as vague and ambiguous. Plaintiff objects to this Interrogatory to the extent it purports to require Plaintiff to create documents, or gather data, that Plaintiff does not maintain in the ordinary course of business. Plaintiff objects to this interrogatory as overly burdensome and not proportional to the needs of the case in asking Plaintiff to identify for the Distributors—who are in a far better position to provide this information—exactly where they distributed opioids or “who was involved in such diversion, abuse, or other improper use.”

Subject to and without waiving all objections, the factual basis for Plaintiff’s claims are specific and detailed: the conduct of the Distributor Defendants and National Retail Pharmacy Defendants’ conduct in failing to monitor, regulate or restrict the improper distribution of opioids, are substantial causes of a public health crisis in Plaintiff’s jurisdictions. This is not a collection of personal injury cases and Plaintiff does not seek any personal injury damages suffered by its residents; instead, the lawsuit seeks, *inter alia*, to abate a public nuisance affecting the communities as a whole and to compensate Plaintiff for its losses caused by Defendants’ conduct and from which each profited.

Subject to and without waiving all objections, this case concerns whether the cumulative effect of Defendants’ distribution practices created the opioid public health crisis that exists within Plaintiff’s jurisdictions. Plaintiff’s claims center on the aggregate effect of opioids on the public health, safety, and welfare within Plaintiff’s jurisdictions. Plaintiff will prove its case through aggregate proof demonstrating the link between Defendants’ unlawful and tortious conduct and the exponential increase in prescribing and diversion of opioids and the resulting harms on a jurisdiction-wide basis. The Defendants’ actions were a substantial factor in the opioid epidemic.

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Subject to and without waiving all objections, Plaintiff answers that it does not have complete information concerning how Prescription Opioids were used following shipment, including the exact percentage of the Prescription Opioids diverted, “used in some other manner,” or “destroyed,” or whether any given order was diverted or “otherwise used improperly,” nor exactly who was involved in such diversion. Even if this Interrogatory was proper and reasonably circumscribed, much of the information that would be arguably related to this Interrogatory relates to Defendants’ conduct and Defendants’ documents on Suspicious Order Reports, recently produced by the DEA in this action and equally available to the parties. Plaintiff incorporates its answer and objections to Interrogatory 23 by reference.

Subject to and without waiving all objections, Plaintiff responds that this Interrogatory is contention discovery more appropriately answered once discovery is complete. *See* Fed. R. Civ. P. 33(a)(2). Plaintiff states that Plaintiff’s current knowledge of this subject is reflected in Plaintiff’s Corrected Second Amended Complaint. Pursuant to Federal Rule of Civil Procedure 33(d), Plaintiff reserves the right to further answer this Interrogatory by producing non-privileged, responsive documents, if any, from centrally located databases or from the files of designated custodians after conducting a reasonably diligent search using predetermined keyword searches and reviewing the results, and subject to a determination that producing such records would not be unduly burdensome. In addition, discovery is ongoing and this information will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with scheduling orders in this case and the Federal Rules of Civil Procedure.

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Dated: August 31, 2018

/s/ Linda Singer

Linda Singer

Joseph F. Rice

Jodi Westbrook Flowers

Anne McGinness Kearse

David I. Ackerman

Jeffrey C. Nelson

MOTLEY RICE LLC

401 9th Street NW, Suite 1001

Washington, DC 20004

Tel: (202) 232-5504

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**CERTIFICATE OF SERVICE**

I, Richard Cashon, certify that on August 31, 2018, I caused the foregoing to be served via electronic mail on Defendant's Liaison Counsel pursuant to the Case Management Order in this case (Dkt. No. 232).

/s/ Richard Cashon

# **Exhibit E**



**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

This document relates to:

Case No. 17-OP-45004 (N.D. Ohio)

THE COUNTY OF CUYAHOGA, OHIO, and  
STATE OF OHIO EX REL., PROSECUTING  
ATTORNEY OF CUYAHOGA COUNTY,  
MICHAEL C. O'MALLEY,

Plaintiffs,

vs.

PURDUE PHARMA L.P., PURDUE  
PHARMA INC., THE PURDUE FREDERICK  
COMPANY, INC., ENDO HEALTH  
SOLUTIONS INC., ENDO  
PHARMACEUTICALS, INC., JANSSEN  
PHARMACEUTICALS, INC., JANSSEN  
PHARMACEUTICA, INC. n/k/a JANSSEN  
PHARMACEUTICALS, INC., NORAMCO,  
INC., ORTHO-MCNEIL-JANSSEN  
PHARMACEUTICALS, INC. n/k/a JANSSEN  
PHARMACEUTICALS, INC., JOHNSON &  
JOHNSON, TEVA PHARMACEUTICAL  
INDUSTRIES LTD., TEVA  
PHARMACEUTICALS USA, INC.,  
CEPHALON, INC., ALLERGAN PLC f/k/a  
ACTAVIS PLC, ALLERGAN FINANCE LLC,  
f/k/a ACTAVIS, INC., f/k/a WATSON  
PHARMACEUTICALS, INC., WATSON  
LABORATORIES, INC., ACTAVIS LLC,  
ACTAVIS PHARMA, INC. f/k/a WATSON  
PHARMA, INC., INSYS THERAPEUTICS,  
INC., MALLINCKRODT PLC,  
MALLINCKRODT LLC, CARDINAL  
HEALTH, INC., McKESSON

MDL No. 2804

Case No. 17-md-2804

Judge Dan Aaron Polster

**PLAINTIFFS THE COUNTY OF  
CUYAHOGA, OHIO AND THE STATE  
OF OHIO *EX REL.* PROSECUTING  
ATTORNEY OF CUYAHOGA COUNTY,  
MICHAEL C. O'MALLEY'S FIRST  
AMENDED RESPONSES AND  
OBJECTIONS TO DISTRIBUTOR  
DEFENDANTS' THIRD SET OF  
INTERROGATORIES**

**CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER**

CORPORATION, AMERISOURCEBERGEN  
CORPORATION, HEALTH MART  
SYSTEMS, INC., H. D. SMITH, LLC d/b/a  
HD SMITH, f/k/a H.D. SMITH  
WHOLESALE DRUG CO., H. D. SMITH  
HOLDINGS, LLC, H. D. SMITH HOLDING  
COMPANY, CVS HEALTH  
CORPORATION, WALGREENS BOOTS  
ALLIANCE, INC. a/k/a WALGREEN CO.,  
and WAL-MART INC. f/k/a WAL-MART  
STORES, INC.,

Defendants.

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and the Case Management Order in *In re National Prescription Opiate Litigation*, No. 1:17-cv-2804 (Dkt. No. 232), The County of Cuyahoga, Ohio and the State of Ohio *Ex Rel.* Prosecuting Attorney of Cuyahoga County, Michael C. O'Malley, ("Plaintiff") hereby responds to Distributor Defendants'<sup>1</sup> Third Set of Interrogatories (the "Interrogatories" and, each individually, a "Interrogatory"), as follows:

**OBJECTIONS**

The following objections apply to each Interrogatory. To the extent that certain specific objections are cited in response to an individual Interrogatory, those specific objections are provided because they are applicable to that specific Interrogatory and are not a waiver of the objections applicable to information falling within the scope of such Interrogatory.

1. Plaintiff objects to each Interrogatory to the extent they are overly broad, vague, unduly burdensome, seeks information that is not relevant to any party's claim or defense, or seeks to impose obligations or require actions beyond those required by the Rules of Civil Procedure, the

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<sup>1</sup> The Distributor Defendants are AmerisourceBergen Drug Corporation, Cardinal Health, Inc., and McKesson Corporation.

**CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER**

ESI Protocol entered in this matter or the Local Rules of the United States District Court of the Northern District of Ohio.

2. Plaintiff objects to each Interrogatory to the extent they seek information restricted from dissemination pursuant to court order, statute, or regulation. Further, Plaintiff's responses to the Interrogatories are not intended to waive, and does not constitute any waiver of, any objection to the admissibility, authenticity, competency or relevance of the information identified.

3. These responses are made solely for the purpose of and in relation to this action. Each answer is given subject to all appropriate objections, which would require the exclusion at trial of any statement contained provided herein. All such objections and the grounds therefore are hereby reserved.

4. The fact that any of the Interrogatories herein may have been answered should not be taken as an admission or a concession of the existence of any facts set forth or assumed by the Interrogatories, or that such answer constitutes evidence of any fact thus set forth or assumed.

5. Plaintiff objects to each Request to the extent Plaintiff has not yet completed its investigation of the facts relating to this action and has not yet completed its preparation for trial. Accordingly, these responses are necessarily limited in nature, and reflect only that information known to Plaintiff at this time.

6. Plaintiff objects to each Interrogatory to the extent they purport to require Plaintiff to provide information that is in the public domain or otherwise available to Manufacturers as easily from other sources as from Plaintiff.

7. Plaintiff objects to each Interrogatory to the extent they purport to state facts, assumptions, or characterizations that are disputed.

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8. Plaintiff objects to each Interrogatory to the extent they seek information more appropriately obtained through other methods of discovery.

9. Plaintiff objects to each Interrogatory to the extent that they seek information that is proprietary or confidential or that is protected from discovery as attorney work product and attorney-client communication, information gathered or prepared in anticipation of litigation, the public interest privilege, law enforcement privilege, public official privilege, and/or by any other privilege or immunity from disclosure (collectively, “Privileged Information”).

10. Plaintiff objects to each Interrogatory to the extent they seek confidential investigative, personal, or health information in Plaintiff’s possession, custody, or control (collectively, “Confidential Information”).

11. Whenever in the responses Plaintiff employs the phrase “subject to and without waiving all objections,” Plaintiff is responding to the Interrogatory as it may be narrowed by its objections and without waiver of any objection.

12. Any response stating that Plaintiff will produce information shall be deemed followed by the phrase “as are within Plaintiff’s possession, custody, or control.”

13. Plaintiff objects to each Interrogatory to the extent that they imply the existence of facts or circumstances that do not or did not exist, and to the extent that it states or assumes legal conclusions. In providing these objections and responses, Plaintiff does not admit the factual or legal premise of any Interrogatory.

14. Plaintiff objects to each Interrogatory to the extent they seek information that is not within Plaintiff’s possession, custody, or control, seek documents that do not already exist, or which purport to require a response by Plaintiff on behalf of an entity or individual other than Plaintiff.

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15. Plaintiff reserves the right to supplement, revise, correct, or clarify its responses and objections in the event that additional information becomes available.

16. Plaintiff intends to complete its production by the time agreed upon by the parties for the completion of discovery, or by the date ordered by the Court. Upon request by the requesting party, Plaintiff is willing to meet and confer regarding its responses to the Interrogatories. All final decisions regarding whether any information will be withheld pursuant to any objection shall be made, and notice thereof provided, before the completion of written discovery.

**NON-WAIVER**

1. Plaintiff's responses are made without waiving its right to object (on the grounds of relevancy, hearsay, materiality, competency or any other ground) to the use of its responses in any subsequent stage or proceeding in this Action or any other action.

2. If Plaintiff, in response to any Interrogatory, inadvertently produces information that is or could be the subject of objections stated herein, such information is not intended to be, nor is it deemed to be, a waiver of the objections with respect to such information produced or withheld.

3. Plaintiff's failure to object to a specific Interrogatory on a particular ground or grounds shall not be construed as a waiver of its rights to object on any additional grounds.

4. Plaintiff responds herein based upon information it has been reasonably able to gather at the time of making these responses. Plaintiff reserves its right to amend and/or to supplement its objections and responses to the Interrogatories, consistent with further investigation and discovery.

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**SPECIFIC RESPONSES AND OBJECTIONS**

**Interrogatory No. 13:**

State the date(s) upon and the manner in which You first became aware that Prescription Opioids were being abused in Your geographic boundaries, that Prescription Opioids were being diverted in Your geographic boundaries and/or by Your residents, and that addiction to Prescription Opioids was occurring and/or increasing in Your geographic boundaries.

**Response to Interrogatory No. 13:**

Plaintiff objects to this Interrogatory as vague and ambiguous as to the term “being abused.” Plaintiff further objects to the term “awareness” as requiring speculation on the state of mind of the County of Cuyahoga. It is unclear how defendants define these terms and precisely what information defendants seek concerning knowledge of abuse, diversion and/or addiction, nor why that information would be in any way relevant to the present case, including but not limited to any statute of limitations defense. Moreover, it would be unduly burdensome and disproportionate to the needs of the case for Plaintiff to state a single date or date(s) and “the manner” in which each and every instance of “abuse,” “diversion” or “addiction” of opioids occurred or occurring within Plaintiff’s geographic boundaries became known to Plaintiff.

Plaintiff also objects to this Interrogatory as it seeks information already in the possession of the Distributor Defendants. Plaintiff further objects that this Interrogatory is contention discovery more appropriately answered once discovery is complete. *See* Fed. R. Civ. P. 33(a)(2).

Subject to and without waiver of the foregoing objections, Plaintiff responds that although it has long been aware of individual instances of diversion, abuse, and addiction to opioids within its jurisdiction, as a result of Defendants’ knowing and active concealment of the true nature of their conduct, Plaintiff lacked knowledge linking those diversion events to defendants’ improper

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marketing and distribution practices, including but not limited to denying risks of addiction, the gross over supply and flooding of Ohio with opioid pills, and the nature of Defendants’ conduct in marketing and distribution, and failure to report suspicious orders and/or monitor distribution of opioids.

**Interrogatory No. 14:**

State the number of pills or other dosage units of Prescription Opioids that were diverted from legitimate medical purposes in Your geographic boundaries, and the number of pills or other dosage units of Prescription Opioids that were dispensed for other than legitimate medical purposes in Your geographic boundaries for each year during the Timeframe, and describe how each number was calculated.

**Response to Interrogatory No. 14:**

Plaintiff objects to this Interrogatory to the extent it contains references to several ambiguous phrases and terms, namely, “diverted,” and “legitimate medical purposes.”

Plaintiff also objects in that this Interrogatory seeks information already in the possession of Defendants and third-parties. To the extent Plaintiff were able to identify all responsive information, Plaintiff objects that it would be unduly burdensome and disproportionate to the needs of the case for Plaintiff to provide the dates and manner of each and every instance of diversion within Plaintiff’s geographic boundaries. Plaintiff states that discovery and analysis of the ARCOS database is ongoing related to these issues.

As discovery is ongoing, this information will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with CMO 1 and the Federal Rules of Civil Procedure.

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**Interrogatory No. 15:**

State the maximum number of pills or other dosage units of Prescription Opioids that should properly have been distributed in Your geographic boundaries for legitimate medical purposes during the Timeframe. In Your response, explain how You calculated that number, including any per capita, per patient, drug family or other grouping, or any other basis on which you rely.

**Response to Interrogatory No. 15:**

Plaintiff objects to this Interrogatory to the extent the term “other dosage units” is vague and ambiguous and subject to varying interpretations. This Interrogatory is contention discovery more appropriately answered once discovery is complete. *See* Fed. R. Civ. P. 33(a)(2). Plaintiff also objects in that this Interrogatory seeks information already in the possession of Defendants and third-parties.

Plaintiff objects that it would be unduly burdensome and disproportionate to the needs of the case for Plaintiff to identify the maximum number of pills or other dosage units of prescription opioids that should properly have been distributed in its geographic boundaries for legitimate medical purposes during the Timeframe. Plaintiff states that discovery and analysis of the ARCOS database is ongoing related to these issues.

As discovery is ongoing, this information will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with CMO 1 and the Federal Rules of Civil Procedure.

**Interrogatory No. 16:**

Identify every specific prescription that You believe, suspect, or contend was diverted or used—in whole or in part—for other than legitimate medical, scientific, research, or industrial purposes in Your geographical area. Include in your response: the date the prescription was written; the name(s)



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of the Controlled Substance(s) prescribed; the quantity of Controlled Substance(s) prescribed; the recipient of each prescription; the name of the prescriber; the name of the dispensing pharmacy, hospital, or clinic; the date the prescription was filled whether any Defendant was involved in the Distribution of that Controlled Substance (s); whether the Controlled Substance(s) were distributed as part of a Suspicious Order (and if so what made the order suspicious); and the reason(s) why you believe, suspect, or contend that all or part of the prescription was diverted.<sup>2</sup>

**Response to Interrogatory No. 16:**

Plaintiff objects to the term “identify every specific prescription” as overly broad and unduly burdensome with little or no relevance to the claims and defenses in this action.

The factual basis for Plaintiff’s claims are specific: the conduct of the Manufacturing Defendants in engaging in a massive false advertising campaign about opioids, coupled with the Distributor Defendants and National Retail Pharmacy Defendants’ conduct in failing to monitor and restrict the improper distribution of opioids, are substantial causes of a public health emergency in Plaintiff’s jurisdiction. This is not a collection of personal injury cases and Plaintiff does not seek any personal injury damages suffered by their residents; instead, the lawsuit seeks to abate a public nuisance affecting the communities as a whole and to compensate Plaintiff for the additional expenses caused by Defendants’ conduct and from which each profited.

This case concerns whether the cumulative effect of Defendants’ marketing and distribution practices created the opioid public health crisis that currently exists within Plaintiff’s jurisdiction. It

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<sup>2</sup> Distributor Defendants acknowledge that the Court has required Plaintiff to provide some of this information by July 16, 2018. Distributor Defendants’ request, however, is broader than the relevant provision of the CMO. And Defendants need the information they have requested more than one day in advance of the July 17, 2018 deadline for Defendants to add parties without leave of Court. *See* CMO 1 at 9. Defendants also require this information to conduct further discovery in Track One Cases.

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is not whether each opioid pill, prescription, overdose, or patient is a separate public nuisance or separate “epidemic;” it is not whether particular individuals in specific circumstances with individualized medical conditions abused or misused or were improperly prescribed opioids. Instead, Plaintiff’s claims center on the aggregate effect of opioids on the public health, safety, and welfare within Plaintiff’s jurisdiction.

Plaintiff will prove causation through aggregate proof demonstrating the link between Defendants’ unlawful and tortious conduct and the exponential increase in prescribing and diversion of opioids and the resulting harms on a jurisdiction-wide basis. This will establish that the Defendants’ actions were a substantial factor in the epidemic experienced by, and paid for by, Plaintiff. Whether a specific resident with a history of substance abuse received an opioid prescription, for example, is irrelevant because a definable percentage of residents who received opioids were bound to have a history of substance abuse. Discovery about individuals and individual health case and addiction issues is irrelevant to establishing that an opioid epidemic exists and is impermissible. *See* Fed. R. Evid. 402.

Plaintiff states that it does not have information concerning the identity of every person who received an opioid prescription or became addicted to opioids in Cuyahoga County – whether or not they ever received treatment – or access to the confidential, private health care records of residents who were prescribed opioids or treated for opioid addiction. In addition, Plaintiff objects to this Interrogatory to the extent it seeks Confidential Information.

The information sought is overly broad and vague in that it requests all medical records and all medical information related to every single person who was ever prescribed an opioid that ever made its way into Plaintiff’s jurisdiction. Furthermore, this Interrogatory is so broad as to render resolution of this matter all but impossible to resolve within any reasonable amount of time while

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Defendants examine every record and then depose residents, doctors, treatment facilities, and the like about each individual case. Even if the Interrogatory was proper and reasonably circumscribed, the information that Plaintiff may have that would be arguably related to the Interrogatory (though irrelevant to the case) relates to Plaintiff's employees who received opioid treatment through Plaintiff's sponsored health insurance or worker's compensation programs.

Plaintiff further responds that this Interrogatory is contention discovery more appropriately answered once discovery is complete. *See* Fed. R. Civ. P. 33(a)(2). In addition, discovery is ongoing and this information will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with CMO 1 and the Federal Rules of Civil Procedure.

Subject to and without waiving all objections, Subject to and without waiving all objections, Plaintiff states that it believes, suspects, or contends that the following distributors and pharmacies dispensed or distributed prescriptions that were diverted or used – in whole or in part – for other than legitimate medical, scientific, research, or industrial purposes in its geographical area:

- AmerisourceBergen Drug Corp.;
- Anda, Inc.
- Cardinal Health, Inc.;
- CVS Health Corp.;
- Discount Drug Mart, Inc.;
- HBC Service Company;
- McKesson Corp.;
- Prescription Supply, Inc.;
- Rite Aid Corp.;

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- Rite Aid of Maryland, Inc. (d/b/a/ Rite Aid Mid-Atlantic Customer Support Center);
- Walgreens Boots Alliance, Inc.; and
- Walmart Inc.

Subject to and without waiving all objections, Plaintiff further states that data from the ARCOS database indicates that prescriptions of oxycodone, hydrocodone, hydromorphone, and fentanyl have been diverted or used – in whole or in part – for other than legitimate medical, scientific, research, or industrial purposes in its geographical areas.

Plaintiff reserves the right to supplement and amend this response upon further investigation.

**Interrogatory No. 17:**

To the extent not already identified in response to Interrogatory Number 16, identify every pharmacy, clinic, or hospital inside or outside Your geographic boundaries whose conduct with respect to Prescription Opioids You believe, suspect, or contend caused harm within Your geographic boundaries. For each such pharmacy, clinic, or hospital that You know that support Your belief, suspicion, or contention, including (without limitation): the name of the pharmacy, clinic, or hospital; each prescription filled by the pharmacy, clinic, or hospital that You believe, suspect, or contend caused harm in Your geographic boundaries; the date that each such prescription was written; the name of the prescriber; the name of the recipient of the prescription; the name(s) of the Prescription Opioids prescribed; the quantity of Prescription Opioids prescribed; the date the prescription was filled; whether any Defendant was involved in the Distribution of that Controlled Substance(s); whether the Controlled Substance(s) were distributed as part of a Suspicious Order (and if so what made the order suspicious); and the reason(s) why You believe, suspect, or contend the prescription caused harm within Your geographic boundaries.

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**Response to Interrogatory No. 17:**

Plaintiff objects that this Interrogatory is unduly burdensome to the extent it requests Plaintiff to search for and identify any such pharmacy, clinic, or hospital. Plaintiff further objects to this Interrogatory to the extent it calls for information in the Distributors' possession, custody, or control, or is just as available to Distributors from third-party sources as it may be available to Plaintiff, and thus places an undue burden on Plaintiff to gather. Plaintiff also objects to the extent that the terms "believe" and "suspect" are overbroad, vague, and burdensome to Plaintiff beyond any need proportional to this case. Plaintiff further objects to the term "every specific prescription" as overly broad, irrelevant, and highly burdensome. Plaintiff objects to the extent that this Interrogatory calls for expert opinions or conclusions and the expert discovery period in this litigation has not been commenced, let alone concluded. Finally, Plaintiff objects to this Interrogatory because it is a premature contention interrogatory, discovery and investigation are ongoing and Plaintiff will amend its response at the close of discovery.

Subject to and without waiving all objections, Plaintiff states that as alleged in Plaintiff's Corrected Second Amended Complaint, based on information, belief, and facts reasonably known to Plaintiff, the distributors and pharmacies who are listed below and as Defendants in this matter, including retail pharmacy defendants, are the parties whose conduct "with respect to Prescription Opioids [we] believe, suspect, or contend caused harm within [our] geographical boundaries":

- AmerisourceBergen Drug Corp.;
- Anda, Inc.
- HBC Service Company;

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- Cardinal Health, Inc.;
- CVS Health Corp.;
- Discount Drug Mart, Inc.;
- McKesson Corp.;
- Prescription Supply, Inc.;
- Rite Aid Corp.;
- Rite Aid of Maryland, Inc. (d/b/a/ Rite Aid Mid-Atlantic Customer Support Center);
- Walgreens Boots Alliance, Inc.; and
- Walmart Inc.

Plaintiff directs Defendants to the chart at paragraph 705 of Plaintiff's Second Amended Complaint for a breakdown of prescription opioids delivered in Cuyahoga County between 2006 and 2014.

Subject to and without waiving all objections, Plaintiff states that while its investigation is ongoing, Plaintiff's understanding and belief is that the Manufacturers and Distributors of opioids who are listed as Defendants in this matter, are the primary, if not sole, parties whose conduct "with respect to Prescription Opioids [Plaintiff] believe[s], suspect[s], or contend[s] caused harm within [its] geographic boundaries."

Additionally, as said investigation is ongoing, Plaintiff expects this topic will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with CMO 1 and the Federal Rules of Civil Procedure.

Plaintiff reserves the right to supplement and amend this response upon further investigation.

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**Interrogatory No. 18:**

Specify each category of injury (e.g. increased cost of law enforcement, fire, emergency services, etc.) for which You claim damages in the Litigation and provide a computation of damages for each category of injury alleged. For each category of injury, identify all Persons with knowledge about such damages.

**Response to Interrogatory No. 18:**

Plaintiff objects to this Interrogatory to the extent that it calls for disclosure of Privileged and Confidential Information. Also, the Interrogatory is overly broad and unduly burdensome and seeks information beyond Plaintiff's possession, custody, and control. Further objecting, the Interrogatory contains a reference to the ambiguous phrase "category of injury."

Subject to and without waiving all objections, Plaintiff will conduct a reasonable and diligent search for and, if such information is in Plaintiff's possession, custody, or control, will produce documents that identify Plaintiff's categories of injury. In addition, Plaintiff's investigation of its costs, expenditures, damages, losses or harms caused by the Defendants is ongoing and will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with CMO 1 and the Federal Rules of Civil Procedure.

Further subject to and without waiving all objections, Plaintiff identifies the following non-exhaustive list of programs and other expenditures either that have been initiated because of the opioid crisis or which have experienced increased funding needs because of the opioid crisis. Such programs and expenditures include, but are not limited to, the following:

- Cuyahoga County Opiate Task Force;
- ADAMHS Board of Cuyahoga County;
- Cuyahoga County Opiate Collaborative/Project DAWN

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- Cuyahoga County Heroin Initiative;
- Cuyahoga County Drug Court;
- Cuyahoga County Prosecutor's Office;
- Cuyahoga County Homeless Services;
- Cuyahoga County Foster Care Services;
- Cuyahoga County Emergency Medical Services;
- Cuyahoga County Sherriff's Offices;
- Cuyahoga County Health Department;
- Cuyahoga County Medical Examiner's Office;
- Cuyahoga County Health and Human Services/Children and Family Services; and
- Cuyahoga County Jail/Regional Corrections.

Also, Plaintiff has already produced budget information identifying such expenditure, such

as:

CUYAH\_000000001- CUYAH\_000000064  
CUYAH\_000000065 - CUYAH\_000000132  
CUYAH\_000000133 - CUYAH\_000000199  
CUYAH\_000000200 - CUYAH\_000000718  
CUYAH\_000000719 - CUYAH\_000000747  
CUYAH\_000000748 - CUYAH\_000000819  
CUYAH\_000000820 - CUYAH\_000001135  
CUYAH\_000001136 - CUYAH\_000001646  
CUYAH\_000001647 - CUYAH\_000001730



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CUYAH\_000001731 - CUYAH\_000001811

CUYAH\_000001812 - CUYAH\_000001874

CUYAH\_000001875 - CUYAH\_000001931

CUYAH\_000001932 - CUYAH\_000002439

CUYAH\_000002440 - CUYAH\_000002502

CUYAH\_000002503 - CUYAH\_000002563

CUYAH\_000002564 - CUYAH\_000003072

CUYAH\_000003073 - CUYAH\_000003099

CUYAH\_000003100 - CUYAH\_000003172

CUYAH\_000003173 - CUYAH\_000003436

CUYAH\_000003437 - CUYAH\_000003508

CUYAH\_000003509 - CUYAH\_000004006

CUYAH\_000004007 - CUYAH\_000004036

CUYAH\_000004037 - CUYAH\_000004294

CUYAH\_000004295 - CUYAH\_000004374

CUYAH\_000004375 - CUYAH\_000004523

CUYAH\_000004524 - CUYAH\_000004552

CUYAH\_000004553 - CUYAH\_000004798

CUYAH\_000004799 - CUYAH\_000004968

CUYAH\_000004969 - CUYAH\_000005145

CUYAH\_000005146 - CUYAH\_000005327

CUYAH\_000005328 - CUYAH\_000005496

CUYAH\_000005497 - CUYAH\_000005739

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CUYAH\_000005740 - CUYAH\_000006329

CUYAH\_000006330 - CUYAH\_000006573

CUYAH\_000006574 - CUYAH\_000006844

CUYAH\_000006845 - CUYAH\_000006986

CUYAH\_000006987 - CUYAH\_000007216

CUYAH\_000007217 - CUYAH\_000007427

CUYAH\_000007428 - CUYAH\_000007466

CUYAH\_000007467 - CUYAH\_000007687

CUYAH\_000007688 - CUYAH\_000007711

CUYAH\_000007712 - CUYAH\_000007929

CUYAH\_000007930 - CUYAH\_000008002

CUYAH\_000008003 - CUYAH\_000008640

CUYAH\_000008641 - CUYAH\_000008680

CUYAH\_000008681 - CUYAH\_000008907

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CUYAH\_000009207 - CUYAH\_000009269

CUYAH\_000009270 - CUYAH\_000009290

CUYAH\_000009291 - CUYAH\_000009316

CUYAH\_000009317 - CUYAH\_000009326

CUYAH\_000009327 - CUYAH\_000009345

CUYAH\_000009346 - CUYAH\_000009367

CUYAH\_000009368 - CUYAH\_000009613

CUYAH\_000009614 - CUYAH\_000009831

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CUYAH\_000010261 - CUYAH\_000010288

CUYAH\_000012351 - CUYAH\_000014730

CUYAH\_000010320 - CUYAH\_000010329

CUYAH\_000010330 - CUYAH\_000010367

CUYAH\_000010368 - CUYAH\_000010423

CUYAH\_000010424 - CUYAH\_000010826

CUYAH\_000010827 - CUYAH\_000010845

CUYAH\_000010846 - CUYAH\_000010896

CUYAH\_000010897 - CUYAH\_000010909

CUYAH\_000010910 - CUYAH\_000011080

CUYAH\_000011081 - CUYAH\_000011251

CUYAH\_000011252 - CUYAH\_000011262

CUYAH\_000011263 - CUYAH\_000011318

CUYAH\_000011319 - CUYAH\_000011347

CUYAH\_000017939 - CUYAH\_000018600

CUYAH\_000011403 - CUYAH\_000011443

CUYAH\_000011444 - CUYAH\_000011492

CUYAH\_000011493 - CUYAH\_000011525

CUYAH\_000011526 - CUYAH\_000011570

CUYAH\_000011596 - CUYAH\_000011615

CUYAH\_000011616 - CUYAH\_000011623

CUYAH\_000011642 - CUYAH\_000011797

CUYAH\_000011799 - CUYAH\_000011884

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CUYAH\_000011997 - CUYAH\_000012044

CUYAH\_000012351 - CUYAH\_000012362

CUYAH\_000012363 - CUYAH\_000012370

CUYAH\_000012371 - CUYAH\_000012382

CUYAH\_000012383 - CUYAH\_000012396

CUYAH\_000012397 - CUYAH\_000012408

CUYAH\_000012409 - CUYAH\_000012420

CUYAH\_000012421 - CUYAH\_000012432

CUYAH\_000012433 - CUYAH\_000012444

CUYAH\_000012445 - CUYAH\_000012456

CUYAH\_000012457 - CUYAH\_000012480

CUYAH\_000012481 - CUYAH\_000012496

CUYAH\_000012497 - CUYAH\_000012512

CUYAH\_000012513 - CUYAH\_000012528

CUYAH\_000012529 - CUYAH\_000012544

CUYAH\_000012545 - CUYAH\_000012560

CUYAH\_000012561 - CUYAH\_000012576

CUYAH\_000012577 - CUYAH\_000012592

CUYAH\_000012593 - CUYAH\_000012594

CUYAH\_000012595 - CUYAH\_000012943

CUYAH\_000013464 - CUYAH\_000013479

CUYAH\_000013806 - CUYAH\_000013812

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CUYAH\_000013818 - CUYAH\_000013820

CUYAH\_000018030 - CUYAH\_000018037

CUYAH\_000018038 - CUYAH\_000018066

CUYAH\_000018067 - CUYAH\_000018072

CUYAH\_000018073 - CUYAH\_000018075

CUYAH\_000018076 - CUYAH\_000018078

CUYAH\_000018079 - CUYAH\_000018115

CUYAH\_000018116 - CUYAH\_000018118

CUYAH\_000018119 - CUYAH\_000018141

CUYAH\_000018142 - CUYAH\_000018154

CUYAH\_000018155 - CUYAH\_000018161

CUYAH\_000018162 - CUYAH\_000018174

CUYAH\_000018175 - CUYAH\_000018177

CUYAH\_000018178 - CUYAH\_000018178

CUYAH\_000018179 - CUYAH\_000018179

CUYAH\_000018180 - CUYAH\_000018199

CUYAH\_000018200 - CUYAH\_000018219

CUYAH\_000018220 - CUYAH\_000018232

CUYAH\_000018233 - CUYAH\_000018248

CUYAH\_000018249 - CUYAH\_000018264

CUYAH\_000018265 - CUYAH\_000018277

CUYAH\_000018278 - CUYAH\_000018281

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CUYAH\_000018282 - CUYAH\_000018294

CUYAH\_000018295 - CUYAH\_000018322

CUYAH\_000018323 - CUYAH\_000018327

CUYAH\_000018328 - CUYAH\_000018355

CUYAH\_000018356 - CUYAH\_000018360

CUYAH\_000018361 - CUYAH\_000018488

CUYAH\_000018489 - CUYAH\_000018509

CUYAH\_000018510 - CUYAH\_000018533

CUYAH\_000018534 - CUYAH\_000018549

CUYAH\_000018550 - CUYAH\_000018577

CUYAH\_000018578 - CUYAH\_000018582

CUYAH\_000018613 - CUYAH\_000018627

CUYAH\_000018676 - CUYAH\_000018726

CUYAH\_000020380 - CUYAH\_000020439

Plaintiff's damages in this matter are expected to include at least the following:

- Losses caused by the decrease in funding available for Plaintiff's public services for which funding was lost because it was diverted to other public services designed to address the opioid epidemic;
- Costs for providing healthcare and medical care for patients suffering from opioid-related addiction or disease, including overdoses and deaths;
- Costs of training emergency and/or first responders in the proper treatment of drug overdoses;

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- Costs associated with providing naloxone – an opioid antagonist used to block the deadly effects of opioids in the context of overdose;
- Costs associated with the Sherriff's Office's responses to opioid overdoses;
- Costs for providing mental-health services, treatment, counseling, rehabilitation services, and social services to victims of the opioid epidemic and their families;
- Costs associated with law enforcement and public safety relating to the opioid epidemic, including but not limited to attempts to stop the flow of opioids into local communities, to arrest and prosecute street-level dealers, to prevent the current opioid epidemic from spreading and worsening, and to deal with the increased levels of crimes that have directly resulted from the increased homeless and drug-addicted population;
- Costs associated with various public safety and health initiatives related to the opioid epidemic;
- Costs associated with increased burden on Plaintiff's drug court;
- Costs associated with clean-up of public parks, spaces and facilities of needles and other debris and detritus of opioid addiction;
- Loss of tax revenue due to the decreased efficiency and size of the working population in Plaintiff's community and due to other impacts on property values and other tax generators for Plaintiff;
- Losses caused by decreased business investment and tax revenue;

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- Plaintiff's contributions to the Alcohol, Drug Addiction, and Mental Health Services (ADAMHS) board;
- Increased public safety services, including but not limited to, training, investigations, staffing, jail expenses, dispatch services, task force as a result of the opioid epidemic;
- Plaintiff's Health Department costs related to the opioid epidemic;
- Costs associated with impact of opioid epidemic on Plaintiff's vehicle fleet; and
- Costs for Plaintiff to properly and adequately abate the nuisance created by the opioid epidemic.

Plaintiff will continue to produce documents that identify costs, expenditures, damages, losses, or harm for which Plaintiff seeks equitable or monetary relief by continuing to collect reports, memoranda, summaries, budgets, annual reports, audits, and analyses done regarding such identifying information.

Discovery into these topics is ongoing and will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with CMO 1 and the Federal Rules of Civil Procedure.

Plaintiff reserves the right to supplement and amend this response upon further investigation.

**Interrogatory No. 19:**

Identify each Person whose use of Prescription Opioids or other drugs resulted in expenditures by You for which you seek damages. For each such person, provide the following information: a description of how each Person's use of Prescription Opioids or other drugs resulted in Your expenditures; the Controlled Substance(s) ingested by such Person; from whom such Person



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obtained the Controlled Substance(s) that caused his or her injury; which entity manufactured and sold the Controlled Substance(s) used by such Person; which Distributor Defendant, if any, distributed the Controlled Substance(s) used by such Person; and whether the Controlled Substance(s) were distributed as part of a Suspicious Order (and if so what made the order suspicious).

**Response to Interrogatory No. 19:**

Plaintiff objects to “a description of how each Person’s use” of opioids “or other drugs” as overly broad, irrelevant, and unduly burdensome.

The factual basis for Plaintiff’s claims are specific: the conduct of the Manufacturing Defendants in engaging in a massive false advertising campaign about opioids, coupled with the Distributor Defendants and National Retail Pharmacy Defendants’ conduct in failing to monitor and restrict the improper distribution of opioids, are substantial causes of a public health emergency in Plaintiff’s jurisdiction. This is not a collection of personal injury cases and Plaintiff does not seek any personal injury damages suffered by their residents; instead, the lawsuit seeks to abate a public nuisance affecting the communities as a whole and to compensate Plaintiff for the additional expenses caused by Defendants’ conduct and from which each profited.

This case concerns whether the cumulative effect of Defendants’ marketing and distribution practices created the opioid public health crisis that currently exists within Plaintiff’s jurisdiction. It is not whether each opioid pill, prescription, overdose, or patient is a separate public nuisance or separate “epidemic;” it is not whether particular individuals in specific circumstances with individualized medical conditions abused or misused or were improperly prescribed opioids. Instead, Plaintiff’s claims center on the aggregate effect of opioids on the public health, safety, and welfare within Plaintiff’s jurisdiction. Plaintiff will prove causation through aggregate proof

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demonstrating the link between Defendants' unlawful and tortious conduct and the exponential increase in prescribing and diversion of opioids and the resulting harms on a jurisdiction-wide basis. This will establish that the Defendants' actions were a substantial factor in the epidemic experienced by, and paid for by, Plaintiff. Whether a specific resident with a history of substance abuse received an opioid prescription, for example, is irrelevant because a definable percentage of residents who received opioids were bound to have a history of substance abuse. Discovery about individuals and individual health case and addiction issues is irrelevant to establishing that an opioid epidemic exists and is impermissible. *See* Fed. R. Evid. 402.

Plaintiff states that it does not have information concerning the identity of every person who received an opioid prescription or became addicted to opioids in Cuyahoga County – whether or not they ever received treatment – or access to the confidential, private health care records of residents who were prescribed opioids or treated for opioid addiction. In addition, Plaintiff objects to this Interrogatory to the extent it seeks Confidential Information. The information sought is overly broad and vague in that it requests all medical records and all medical information related to every single person who was ever prescribed an opioid that ever made its way into the jurisdiction.

Furthermore, this Interrogatory is so broad as to render resolution of this matter all but impossible to resolve within any reasonable amount of time while Defendants examine every record and then depose residents, doctors, treatment facilities, and the like about each individual case. Even if the Interrogatory was proper and reasonably circumscribed, much of the information that Plaintiff may have that would be arguably related to the Interrogatory (though irrelevant to the case) relates to Plaintiff's employees who received opioid treatment through Plaintiff's sponsored health insurance or worker's compensation programs.

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Plaintiff further responds that this Interrogatory is contention discovery more appropriately answered once discovery is complete. *See* Fed. R. Civ. P. 33(a)(2). In addition, discovery is ongoing and this information will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with CMO 1 and the Federal Rules of Civil Procedure.

**Interrogatory No. 20:**

Identify each Person to whom You provided treatment or assistance related to Prescription Opioid addiction, abuse, or overdose during the Timeframe. For each such Person, provide the following information: the name of the individual; the date of addiction, abuse, or overdose; the drug or drugs involved; which entity manufactured and sold the Controlled Substance(s) used by such Person which Distributor Defendant, if any, distributed Prescription Opioids used by the Person; and whether the Prescription Opioids used by the Person were distributed as part of a Suspicious Order (and if so what made the order suspicious); the nature of treatment or assistance provided; the cost of treatment or assistance provided; and the source of funding for treatment or assistance provided.

**Response to Interrogatory No. 20**

Plaintiff objects to this Interrogatory to the extent it seeks the “identity of each person” and the “drugs or drugs involved” as overly broad, irrelevant, and unduly burdensome. Plaintiff further objects to this interrogatory to the extent it seeks production of information that is protected from disclosure pursuant to Title 42, Part 2 of the Code of Federal Regulations.

The factual basis for Plaintiff’s claims are specific: the conduct of the Manufacturing Defendants in engaging in a massive false advertising campaign about opioids, coupled with the Distributor Defendants and National Retail Pharmacy Defendants’ conduct in failing to monitor and restrict the improper distribution of opioids, are substantial causes of a public health emergency

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in Plaintiff's jurisdiction. This is not a collection of personal injury cases and Plaintiff does not seek any personal injury damages suffered by their residents; instead, the lawsuit seeks to abate a public nuisance affecting the communities as a whole and to compensate Plaintiff for the additional expenses caused by Defendants' conduct and from which each profited.

This case concerns whether the cumulative effect of Defendants' marketing and distribution practices created the opioid public health crisis that currently exists within Plaintiff's jurisdiction. It is not whether each opioid pill, prescription, overdose, or patient is a separate public nuisance or separate "epidemic;" it is not whether particular individuals in specific circumstances with individualized medical conditions abused or misused or were improperly prescribed opioids. Instead, Plaintiff's claims center on the aggregate effect of opioids on the public health, safety, and welfare within Plaintiff's jurisdiction. Plaintiff will prove causation through aggregate proof demonstrating the link between Defendants' unlawful and tortious conduct and the exponential increase in prescribing and diversion of opioids and the resulting harms on a jurisdiction-wide basis. This will establish that the Defendants' actions were a substantial factor in the epidemic experienced by, and paid for by, Plaintiff. Whether a specific resident with a history of substance abuse received an opioid prescription, for example, is irrelevant because a definable percentage of residents who received opioids were bound to have a history of substance abuse. Discovery about individuals and individual health case and addiction issues is irrelevant to establishing that an opioid epidemic exists and is impermissible. *See* Fed. R. Evid. 402.

Furthermore, this Interrogatory is so broad as to render trial of this matter all but impossible within any reasonable time within any reasonable time while Defendants examine each and every person and record and then depose individual patients, residents, doctors, treatment facilities about each individual's case.

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Subject to and without waiver of all objections, Plaintiff refers Defendants to its response to Interrogatory No 18.

**Interrogatory No. 21:**

Identify all children, including infants born addicted to opioids, for whom You incurred costs for which you seek damages. For each such Person, please provide the following: the name of such Person; the name of such Person's parent(s); the Controlled Substances possessed or ingested by such Person's parent(s); which entity manufactured and sold the Controlled Substance(s) used by such Person the source of the Controlled Substance possessed or ingested by such Person's parents(s); the date, nature, and cost of any services incurred as a result of such Person; which Distributor Defendant, if any, distributed the Controlled Substance possessed or ingested by such Person's parent(s); and whether the Controlled Substances were distributed as part of a Suspicious Order (and if so what made the order suspicious).

**Response to Interrogatory No. 21**

Plaintiff objects to this Interrogatory to the extent it seeks to "identify all children" without limitation, "including infants born addicted to opioids" by the infant or child's name, parent name, "controlled substance," who distributed it, when, where, and how. Plaintiff further objects in that this Interrogatory seeks information in the possession of the Defendants.

The factual basis for Plaintiff's claims are specific: the conduct of the Manufacturing Defendants in engaging in a massive false advertising campaign about opioids, coupled with the Distributor Defendants and National Retail Pharmacy Defendants' conduct in failing to monitor and restrict the improper distribution of opioids, are substantial causes of a public health emergency in Plaintiff's jurisdiction. This is not a collection of personal injury cases and Plaintiff does not seek any personal injury damages suffered by their residents; instead, the lawsuit seeks to abate a public

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nuisance affecting the communities as a whole and to compensate Plaintiff for the additional expenses caused by Defendants' conduct and from which each profited.

This case concerns whether the cumulative effect of Defendants' marketing and distribution practices created the opioid public health crisis that currently exists within Plaintiff's jurisdiction. It is not whether each opioid pill, prescription, overdose, or patient is a separate public nuisance or separate "epidemic;" it is not whether particular individuals in specific circumstances with individualized medical conditions abused or misused or were improperly prescribed opioids. Instead, Plaintiff's claims center on the aggregate effect of opioids on the public health, safety, and welfare within Plaintiff's jurisdiction. Plaintiff will prove causation through aggregate proof demonstrating the link between Defendants' unlawful and tortious conduct and the exponential increase in prescribing and diversion of opioids and the resulting harms on a jurisdiction-wide basis. This will establish that the Defendants' actions were a substantial factor in the epidemic experienced by, and paid for by, Plaintiff. Whether a specific resident with a history of substance abuse received an opioid prescription, for example, is irrelevant because a definable percentage of residents who received opioids were bound to have a history of substance abuse. Discovery about individuals and individual health case and addiction issues is irrelevant to establishing that an opioid epidemic exists and is impermissible. *See* Fed. R. Evid. 402.

Plaintiff states that it does not have information concerning the identity of every person who received an opioid prescription or became addicted to opioids in Cuyahoga County – whether or not they ever received treatment – or access to the confidential, private health care records of residents who were prescribed opioids or treated for opioid addiction. In addition, Plaintiff objects to this Interrogatory to the extent it seeks Confidential Information. The information sought is overly

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broad and vague in that it requests all medical records and all medical information related to every single person who was ever prescribed an opioid that ever made its way into the jurisdiction.

Furthermore, this Interrogatory is so broad as to render resolution of this matter all but impossible to resolve within any reasonable amount of time while Defendants examine every record and then depose residents, doctors, treatment facilities, and the like about each individual case. Even if the Interrogatory was proper and reasonably circumscribed, the information that Plaintiff may have that would be arguably related to the Interrogatory (though irrelevant to the case) relates to Plaintiff's employees who received opioid treatment through Plaintiff's sponsored health insurance or worker's compensation programs.

Plaintiff further responds that this Interrogatory is contention discovery more appropriately answered once discovery is complete. *See* Fed. R. Civ. P. 33(a)(2). In addition, discovery is ongoing and this information will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with CMO 1 and the Federal Rules of Civil Procedure.

Subject to and without waiver of all objections, Plaintiff refers Defendants to its response to Interrogatory No 18.

**Interrogatory No. 22:**

Identify all efforts You have made to recover expenditures related to Prescription Opioid abuse, misuse, or addiction in Your geographic boundaries from any entities or individuals who have been charged with criminal offenses relating to or caused by such abuse, misuse, or addiction, including, without limitation, pharmacists, pharmacies, doctors, clinics, drug dealers, drug traffickers, or drug trafficking organizations.

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**Response to Interrogatory No. 22**

Plaintiff objects to this Request as vague, ambiguous, and burdensome to Plaintiff in a manner not proportional to the needs of the case. Plaintiff further objects to the following language as overly broad: “any other individual or entity, including (without limitation), any entities or individuals who have been charged with criminal offenses.”

Plaintiff further objects to this Interrogatory to the extent that what Plaintiff may or may not have done to recover other expenditures is not relevant to the claims and defenses in this action. Subject to and without waiving, Plaintiff states that it has sought grants, State and Federal funding, and tax increases. Plaintiff has not sued criminals or drug dealers, and drug-related, if any, civil forfeiture, is not an attempt to “recover expenditures” covered by the opioid epidemic.

Plaintiff reserves the right to supplement and amend this response upon further investigation.



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Dated: August 13, 2018

Respectfully submitted,  
Plevin & Gallucci

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**CERTIFICATE OF SERVICE**

I, Salvatore C. Badala, certify that on this 13th day of August 2018, I caused the foregoing to be served via electronic mail on Defendant's Liaison Counsel pursuant to the Case Management Order.

*See* Dkt. No. 232.

*s/Salvatore C. Badala*

# Exhibit F

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

This document relates to:

Case No. 17-OP-45004 (N.D. Ohio)

THE COUNTY OF CUYAHOGA, OHIO, and  
STATE OF OHIO EX REL., PROSECUTING  
ATTORNEY OF CUYAHOGA COUNTY,  
MICHAEL C. O'MALLEY,

Plaintiffs,

vs.

PURDUE PHARMA L.P., PURDUE  
PHARMA INC., THE PURDUE FREDERICK  
COMPANY, INC., ENDO HEALTH  
SOLUTIONS INC., ENDO  
PHARMACEUTICALS, INC., JANSSEN  
PHARMACEUTICALS, INC., JANSSEN  
PHARMACEUTICA, INC. n/k/a JANSSEN  
PHARMACEUTICALS, INC., NORAMCO,  
INC., ORTHO-MCNEIL-JANSSEN  
PHARMACEUTICALS, INC. n/k/a JANSSEN  
PHARMACEUTICALS, INC., JOHNSON &  
JOHNSON, TEVA PHARMACEUTICAL  
INDUSTRIES LTD., TEVA  
PHARMACEUTICALS USA, INC.,  
CEPHALON, INC., ALLERGAN PLC f/k/a  
ACTAVIS PLC, ALLERGAN FINANCE LLC,  
f/k/a ACTAVIS, INC., f/k/a WATSON  
PHARMACEUTICALS, INC., WATSON  
LABORATORIES, INC., ACTAVIS LLC,  
ACTAVIS PHARMA, INC. f/k/a WATSON  
PHARMA, INC., INSYS THERAPEUTICS,  
INC., MALLINCKRODT PLC,  
MALLINCKRODT LLC, CARDINAL  
HEALTH, INC., McKESSON

MDL No. 2804

Case No. 17-md-2804

Judge Dan Aaron Polster

**PLAINTIFFS THE COUNTY OF  
CUYAHOGA, OHIO AND THE STATE  
OF OHIO *EX REL.* PROSECUTING  
ATTORNEY OF CUYAHOGA COUNTY,  
MICHAEL C. O'MALLEY'S RESPONSES  
AND OBJECTIONS TO DISTRIBUTOR  
DEFENDANTS' FOURTH SET OF  
INTERROGATORIES**

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CORPORATION, AMERISOURCEBERGEN  
CORPORATION, HEALTH MART  
SYSTEMS, INC., H. D. SMITH, LLC d/b/a  
HD SMITH, f/k/a H.D. SMITH  
WHOLESALE DRUG CO., H. D. SMITH  
HOLDINGS, LLC, H. D. SMITH HOLDING  
COMPANY, CVS HEALTH  
CORPORATION, WALGREENS BOOTS  
ALLIANCE, INC. a/k/a WALGREEN CO.,  
and WAL-MART INC. f/k/a WAL-MART  
STORES, INC.,

Defendants.

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and the Case Management Order in *In re National Prescription Opiate Litigation*, No. 1:17-cv-2804 (Dkt. No. 232), The County of Cuyahoga, Ohio and the State of Ohio *Ex Rel.* Prosecuting Attorney of Cuyahoga County, Michael C. O'Malley, ("Plaintiff") hereby responds to Distributor Defendants'<sup>1</sup> Fourth Set of Interrogatories (the "Interrogatories" and, each individually, a "Interrogatory"), as follows:

**OBJECTIONS**

The following objections apply to each Interrogatory. To the extent that certain specific objections are cited in response to an individual Interrogatory, those specific objections are provided because they are applicable to that specific Interrogatory and are not a waiver of the objections applicable to information falling within the scope of such Interrogatory.

1. Plaintiff objects to each Interrogatory to the extent they are overly broad, vague, unduly burdensome, seeks information that is not relevant to any party's claim or defense, or seeks to impose obligations or require actions beyond those required by the Rules of Civil Procedure, the

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<sup>1</sup> The Distributor Defendants are AmerisourceBergen Drug Corporation, Cardinal Health, Inc., and McKesson Corporation.

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ESI Protocol entered in this matter or the Local Rules of the United States District Court of the Northern District of Ohio.

2. Plaintiff objects to each Interrogatory to the extent they seek information restricted from dissemination pursuant to court order, statute, or regulation. Further, Plaintiff's responses to the Interrogatories are not intended to waive, and does not constitute any waiver of, any objection to the admissibility, authenticity, competency or relevance of the information identified.

3. These responses are made solely for the purpose of and in relation to this action. Each answer is given subject to all appropriate objections, which would require the exclusion at trial of any statement contained provided herein. All such objections and the grounds therefore are hereby reserved.

4. The fact that any of the Interrogatories herein may have been answered should not be taken as an admission or a concession of the existence of any facts set forth or assumed by the Interrogatories, or that such answer constitutes evidence of any fact thus set forth or assumed.

5. Plaintiff objects to each Request to the extent Plaintiff has not yet completed its investigation of the facts relating to this action and has not yet completed its preparation for trial. Accordingly, these responses are necessarily limited in nature, and reflect only that information known to Plaintiff at this time.

6. Plaintiff objects to each Interrogatory to the extent they purport to require Plaintiff to provide information that is in the public domain or otherwise available to Manufacturers as easily from other sources as from Plaintiff.

7. Plaintiff objects to each Interrogatory to the extent they purport to state facts, assumptions, or characterizations that are disputed.

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8. Plaintiff objects to each Interrogatory to the extent they seek information more appropriately obtained through other methods of discovery.

9. Plaintiff objects to each Interrogatory to the extent that they seek information that is proprietary or confidential or that is protected from discovery as attorney work product and attorney-client communication, information gathered or prepared in anticipation of litigation, the public interest privilege, law enforcement privilege, public official privilege, and/or by any other privilege or immunity from disclosure (collectively, “Privileged Information”).

10. Plaintiff objects to each Interrogatory to the extent they seek confidential investigative, personal, or health information in Plaintiff’s possession, custody, or control (collectively, “Confidential Information”).

11. Whenever in the responses Plaintiff employs the phrase “subject to and without waiving all objections,” Plaintiff is responding to the Interrogatory as it may be narrowed by its objections and without waiver of any objection.

12. Any response stating that Plaintiff will produce information shall be deemed followed by the phrase “as are within Plaintiff’s possession, custody, or control.”

13. Plaintiff objects to each Interrogatory to the extent that they imply the existence of facts or circumstances that do not or did not exist, and to the extent that it states or assumes legal conclusions. In providing these objections and responses, Plaintiff does not admit the factual or legal premise of any Interrogatory.

14. Plaintiff objects to each Interrogatory to the extent they seek information that is not within Plaintiff’s possession, custody, or control, seek documents that do not already exist, or which purport to require a response by Plaintiff on behalf of an entity or individual other than Plaintiff.

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15. Plaintiff reserves the right to supplement, revise, correct, or clarify its responses and objections in the event that additional information becomes available.

16. Plaintiff intends to complete its production by the time agreed upon by the parties for the completion of discovery, or by the date ordered by the Court. Upon request by the requesting party, Plaintiff is willing to meet and confer regarding its responses to the Interrogatories. All final decisions regarding whether any information will be withheld pursuant to any objection shall be made, and notice thereof provided, before the completion of written discovery.

**NON-WAIVER**

1. Plaintiff's responses are made without waiving its right to object (on the grounds of relevancy, hearsay, materiality, competency or any other ground) to the use of its responses in any subsequent stage or proceeding in this Action or any other action.

2. If Plaintiff, in response to any Interrogatory, inadvertently produces information that is or could be the subject of objections stated herein, such information is not intended to be, nor is it deemed to be, a waiver of the objections with respect to such information produced or withheld.

3. Plaintiff's failure to object to a specific Interrogatory on a particular ground or grounds shall not be construed as a waiver of its rights to object on any additional grounds.

4. Plaintiff responds herein based upon information it has been reasonably able to gather at the time of making these responses. Plaintiff reserves its right to amend and/or to supplement its objections and responses to the Interrogatories, consistent with further investigation and discovery.



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**SPECIFIC RESPONSES AND OBJECTIONS**

**Interrogatory No. 23:**

Identify each Suspicious Order that you believe was shipped to Your geographic area by a Distributor Defendant during the time period for which you seek damages in this lawsuit. For each order, identify the date the order was shipped, the medication shipped, the number of dosage units shipped, the number of dosage units that you contend would have been permissible to ship, the reason you believe the order was suspicious, the Distributor Defendant that shipped the allegedly Suspicious Order, and the person or entity that placed the order.

**Response to Interrogatory No. 23:**

Plaintiff further objects to this Interrogatory as unduly burdensome and not proportional to the needs of this case because it would be virtually, if not literally, impossible for Plaintiff to identify “each Suspicious Order shipped to Your Geographic area” or “the date shipped, the medication shipped, or the number of dosage units shipped” that Plaintiff “contend[s] would have been permissible to ship” and “the reason” the order was suspicious, the “Distributor Defendant that shipped allegedly Suspicious Order” as well as “the person or entity that placed the order.”

Plaintiff further objects to this request in that it calls for information in the possession or control of the Defendants, and more readily and efficiently available to Defendants from their own business records or third-party sources than available to Plaintiff, and thus places an undue burden on Plaintiff. Plaintiff further respond that this Interrogatory is contention discovery more appropriately answered once discovery is complete. *See* Fed. R. Civ. P. 33(a)(2)

Subject to and without waiving all objections, Plaintiff responds as follows: the Controlled Substances Act (“CSA”) requires manufacturers and distributors of Schedule II substances like opioids to: (a) limit sales within a quota set by the DEA for the overall production of Schedule II

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substances like opioids; (b) register to manufacture or distribute opioids; (c) maintain effective controls against diversion of the controlled substances that they manufacture or distribute; and (d) design and operate a system to identify suspicious orders of controlled substances, halt such unlawful sales, and report them to the DEA.

Defendants have several responsibilities under state and federal law with respect to control of the supply chain of opioids. The DEA provides a series of guidelines on Suspicious Orders Reporting (“SOR”), contained in the Chemical Handlers Manual, that “are intended to assist chemical manufacturers, distributors, wholesalers and retailers to be alert to suspicious orders involving listed chemicals,” which include opioids. “The guidelines are intended to apply to all aspects of commercial chemical manufacturing and distribution.” Defendants must set up a system to prevent diversion, including excessive volume and other suspicious orders. This includes reviewing Defendants’ own data, relying on their observations of prescribers and pharmacies, and following up on reports or concerns of potential diversion. All suspicious orders must be reported by Defendants to relevant enforcement authorities. Further, distributors must also stop shipment of any order which is flagged as suspicious and only ship orders which were flagged as potentially suspicious if, after conducting due diligence, they can determine that the order is not likely to be diverted into illegal channels.

To ensure that even drugs produced within quota are not diverted, federal regulations issued under the CSA mandate that all registrants, manufacturers, and distributors alike, “design and operate a system to disclose to the registrant suspicious orders of controlled substances.” 21 C.F.R. § 1301.74(b). Registrants are not entitled to be passive (but profitable) observers, but rather “shall inform the Field Division Office of the Administration in his area of suspicious orders when discovered by the registrant.” *Id.* Suspicious orders include orders of unusual size, orders deviating

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substantially from a normal pattern, and orders of unusual frequency. *Id.* Other red flags may include, for example, “[o]rdering the same controlled substance from multiple distributors.” *Id.*

These criteria are disjunctive and are not all inclusive. For example, if an order deviates substantially from a normal pattern, the size of the order does not matter and the order should be reported as suspicious. Likewise, a distributor or manufacturer need not wait for a normal pattern to develop over time before determining whether a particular order is suspicious. The size of an order alone, regardless of whether it deviates from a normal pattern, is enough to trigger the responsibility to report the order as suspicious. The determination of whether an order is suspicious depends not only on the ordering patterns of the particular customer but also on the patterns of the entirety of the customer base and the patterns throughout the relevant segment of the industry. For this reason, identification of suspicious orders serves also to identify excessive volume of the controlled substance being shipped to a particular region.

Subject to and without waiving all objections, Plaintiff states that its current knowledge of this subject is reflected in Plaintiff’s Corrected Second Amended Complaint, and any additional information will be amended and supplemented as discovery proceeds.

As discovery is ongoing, this information will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with the scheduling order in this case and the Federal Rules of Civil Procedure.

Plaintiff reserves the right to supplement and amend this response upon further investigation.

**Interrogatory No. 24:**

Identify all false and/or fraudulent information that You allege any Distributor Defendant supplied to the Drug Enforcement Administration about Suspicious Orders as alleged in Paragraph 889 of the Second Amended Complaint.

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**Response to Interrogatory No. 24:**

Plaintiff objects to this Interrogatory to the extent the term “all false and/or fraudulent information” is vague and ambiguous and subject to varying interpretations. Plaintiff objects in that this Interrogatory seeks information in the possession of Defendants and/or third-parties.

To the extent Plaintiff were able to identify all responsive information, Plaintiff objects that it would be unduly burdensome and disproportionate to the needs of the case for Plaintiff to be asked to identify all false and/or fraudulent information that the Distributor Defendants supplied to the Drug Enforcement Administration (“DEA”) about Suspicious Orders. Plaintiff is not privy to the Defendants’ communications with the DEA.

Plaintiff further respond that this Interrogatory is contention discovery more appropriately answered once discovery is complete. *See* Fed. R. Civ. P. 33(a)(2).

Subject to and without waiving all objections, Plaintiff states that its current knowledge of this subject is reflected in Plaintiff’s Corrected Second Amended Complaint, and any additional information will be amended and supplemented as discovery proceeds.

As discovery is ongoing, this information will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with the scheduling order in this case and the Federal Rules of Civil Procedure.

Plaintiff reserves the right to supplement and amend this response upon further investigation.

**Interrogatory No. 25:**

Identify with specificity each of the predicate acts of racketeering activity You allege each of AmerisourceBergen Drug Corporation, Cardinal Health, Inc. and McKesson Corporation committed, conspired to commit, and/or aided and abetted the commission of for the time period you seek damages in this lawsuit. For each predicate act, provide the date, the conduct that

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constituted the predicate act, the Defendant(s) involved, the reason that conduct constituted a predicate act of racketeering, and any other individuals/entities involved.

**Response to Interrogatory No. 25:**

Plaintiff objects to this Interrogatory to the extent the term “predicate acts of racketeering activity” is vague and ambiguous and subject to varying interpretations. Plaintiff also objects in that this Interrogatory seeks information already in the possession of Defendants and/or third-parties. To the extent Plaintiff were able to identify all responsive information, Plaintiff objects that it would be unduly burdensome and disproportionate to the needs of the case for Plaintiff to identify each predicate act of racketeering that AmerisourceBergen Drug Corporation, Cardinal Health, Inc., and McKesson Corporation committed, conspired to commit, and/or aided and abetted. This Interrogatory is contention discovery more appropriately answered once discovery is complete. *See* Fed. R. Civ. P. 33(a)(2).

Subject to and without waiving all objections, Plaintiff states that its current knowledge of this subject is found in Plaintiff’s Second Amended Complaint at ¶¶ 844 – 907 and 936 – 967.

As discovery is ongoing, this information will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with the scheduling order in this case and the Federal Rules of Civil Procedure.

Plaintiff reserves the right to supplement and amend this response upon further investigation.

**Interrogatory No. 26:**

Identify all facts and evidence that support Your contention that the Distributor Defendants agreed to implement similar tactics in their refusal to report Suspicious Orders as alleged in Paragraph 951 of the Second Amended Complaint.

**Response to Interrogatory No. 26:**

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Plaintiff objects to this Interrogatory to the extent the term “agreed to implement similar tactics in their refusal to report Suspicious Orders” is vague and ambiguous and subject to varying interpretations. Plaintiff also objects in that this Interrogatory seeks information in the possession of Defendants and/or third-parties. To the extent Plaintiff were able to identify all responsive information, Plaintiff objects that it would be unduly burdensome and disproportionate to the needs of the case for Plaintiff to identify all of the facts and evidence that show that the Distributor Defendants implemented similar tactics in their refusal to report Suspicious Orders. This Interrogatory is contention discovery more appropriately answered once discovery is complete. *See* Fed. R. Civ. P. 33(a)(2).

Subject to and without waiving all objections, Plaintiff states that it believes, suspects, or contends that chronic diversion the number of Suspicious Orders increased dramatically over time, but were never reported accurately and no serious attempt to control them was made by the Distributor Defendants. Additionally, Plaintiff states that its current knowledge of this subject is found in Plaintiff’s Second Amended Complaint at ¶¶ 466 – 568; 844 – 907; and 936 – 967.

As discovery is ongoing, this information will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with the scheduling order in this case and the Federal Rules of Civil Procedure.

Plaintiff reserves the right to supplement and amend this response upon further investigation.

**Interrogatory No. 27:**

Identify and describe each statement or omission relating to Prescription Opioids that were made or disseminated by any of the Manufacturer Defendants and that You allege the Distributor Defendants knew were false, misleading, unfair, deceptive or otherwise actionable and, for each, identify each specific Distributor Defendant who had such knowledge, explain the basis for your

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contention that it had such knowledge, state the specific act(s) or mission(s) that each Distributor Defendant took with such knowledge, and describe how such act(s) or omission(s) caused a quantifiable harm to You.

**Response to Interrogatory No. 27:**

Plaintiff objects to this Interrogatory as vague, ambiguous and overly broad in its use of the phrases “each statement or omission” that were “false, misleading, unfair, deceptive or otherwise actionable” and “the specific acts or omissions that each Distributors “took with such knowledge” as phrases that are subject to varying meanings and interpretations.

Plaintiff further objects to this Interrogatory as unduly burdensome and not proportional to the needs of this case because it would be virtually, if not literally, impossible for Plaintiff to identify each and every “statement or omission” by Defendants that were “false, misleading, unfair, deceptive or otherwise actionable” and “the specific acts or omissions” each Distributor “took with such knowledge.”

Plaintiff objects to the terms “statement or omission” as vague and ambiguous. Plaintiff objects to the terms “knowledge” and “quantifiable harm” as vague, ambiguous and subject to varying interpretations. Plaintiff objects to this Interrogatory to the extent it calls for information in the Manufacturer Defendants’ and/or Distributors’ possession, custody, or control. This Interrogatory calls for a premature contention interrogatory, more appropriately answered once discovery is complete. *See* Fed. R. Civ. P. 33(a)(2).

Subject to and without waiving all objections, Plaintiff states that its current knowledge of this subject is reflected in Plaintiff’s Corrected Second Amended Complaint, and any additional information will be supplemented as Defendants produce documents and discovery proceeds pursuant to scheduling orders in this case and the Federal Rules of Civil Procedure.

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Plaintiff further directs Distributor Defendants to the following statements or omissions relating to Prescription Opioids that were made or disseminated by any of the Manufacturer Defendants that were false, misleading, unfair, deceptive or otherwise actionable:

<b>Falsehood</b>	<b>Explanation</b>
The risk of addiction from chronic opioid therapy is low	<p>When it launched OxyContin, Purdue cited in promotional and educational materials a single paragraph from a letter published in 1980 by Dr. Hershel Jick and Jane Porter in the New England Journal of Medicine as evidence of the low risk of addiction to opioids. In fact, Purdue included reference to this letter in a 1998 promotional video entitled, “I got my life back,” in which Dr. Alan Spanos states, “In fact, the rate of addiction amongst pain patients who are treated by doctors is much less than 1%.”</p> <p>Until April 2012, Endo stated on its website that “...patients treated with prolonged opioid medicines usually do not become addicted;” a statement echoed on the website of its close affiliate, APF. Endo also published and distributed multiple pamphlets and brochures downplaying addiction as it related to opioids, including but not limited to “Pain: Opioid Facts,” “Understanding Your Pain: Taking Oral Opioid Analgesics” and “Pain: Opioid Therapy.”</p> <p>Janssen claimed on its unbranded website – <a href="http://www.PrescribeResponsibility.com">www.PrescribeResponsibility.com</a> – that concerns about opioid addiction are “overestimated” and that “true addiction occurs only in a small percentage of patients.” Janssen also published a patient education guide entitled “Finding Relief: Pain Management for Older Adults” describing opioid addiction as a myth and that “many studies show opioids are <i>rarely</i> addictive...” which, until recently, was available online.</p> <p>Cephalon sponsored a 2007 publication from APF entitled “Treatment Options: A Guide for People Living with Pain” which taught that opioid addiction is rare.</p> <p>Actavis published material that claimed it is “less likely” to become addicted to opioids in those who “have never had an addiction problem.” The same publication notes that a need for a “dose adjustment” is the result of tolerance, and “not addiction.” A 2007 guide for prescribers published under Actavis’s copyright states that Kadian is more difficult to abuse and less addictive than other opioids.</p> <p>Mallinckrodt created the C.A.R.E.S. (Collaborating and Acting Responsibly to Ensure Safety) Alliance in 2010 which promoted a book entitled “Defeat Chronic Pain Now!” in</p>



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<b>Falsehood</b>	<b>Explanation</b>
To the extent there is a risk of addiction, it can be easily identified and managed	<p>which opioids were stated to “rarely” cause addiction.</p> <p>Purdue and Cephalon sponsored the APF’s publication, “Treatment Options: A Guide for People Living with Pain” in 2007, which falsely reassured patients that opioid agreements between doctors and patients can “ensure that you take the opioid as prescribed.” Janssen stated on its website – <a href="http://www.PrescribeResponsibly.com">www.PrescribeResponsibly.com</a> – that opioid addiction “can usually be managed” through tools such as opioid agreements between patients and doctors. Purdue also sponsored a 2011 webinar taught by Dr. Lynn Webster entitled “Managing Patient’s Opioid Use: Balancing the Need and Risk” wherein prescribers were told that screening tools, urine tests, and patient agreements have the effect of preventing “overuse of prescriptions” and “overdose deaths.” Endo paid for a 2007 supplement for continuing education credit in the “Journal of Family Practice” entitled “Pain Management Dilemmas in Primary Care: Use of Opioids” which recommended screening patients and the use of the Opioid Risk Tool.</p>
Signs of addictive behavior are “psuedoaddiction,” requiring more opioids	<p>Cephalon, Endo and Purdue sponsored the Federation of State Medical Board’s (“FSMB”) publication entitled “Responsible Opioid Prescribing” in 2007 which stated that such behaviors as “requesting drugs by name,” “demanding or manipulative behavior,” seeing more than one doctor to obtain opioids and hoarding are all signs of “pseudoaddiction” (not genuine addiction). Purdue published an unbranded pamphlet entitled “Clinical Issues in Opioid Prescribing” in 2005 which was circulated through 2007 and available on its website through 2013. This pamphlet stated that “illicit drug use and deception” were not evidence of true addiction, but rather “pseudoaddiction.” Endo sponsored a CME program in 2009 entitled “Chronic Opioid Therapy: Understanding Risk While Maximizing Analgesia,” which promoted pseudoaddiction. Janssen sponsored, funded and edited a website entitled “Let’s Talk Pain” which in 2009 stated that pseudoaddiction “...refers to patient behaviors that may occur when pain is undertreated...”</p>
Opioid withdrawal can be avoided by tapering	<p>Endo sponsored an educational program entitled “Persistent Pain in the Older Adult” which claimed that withdrawal symptoms could be avoided by simply tapering a patient’s opioid dose over ten days. Similarly, Purdue sponsored APF’s publication “A Policymaker’s Guide to Understanding Pain &amp; Its Management” which taught that “[s]ymptoms of physical dependence can often be ameliorated by gradually decreasing the dose of medication during discontinuation.” Neither</p>

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<b>Falsehood</b>	<b>Explanation</b>
	Defendant explained the significant hardships associated with cessation of use.
Opioid doses can be increased without limit or greater risks	Purdue omitted the increased risk of respiratory distress and death from increasing opioid dosage from its 2010 “Risk Evaluation and Mitigation Strategy” for OxyContin. Endo published on its website a patient education pamphlet entitled “Understanding Your Pain: Taking Oral Opioid Analgesics” that responds to the question, “If I take the opioid now, will it work later when I really need it?” with “The dose can be increased...You won’t ‘run out’ of pain relief.” Purdue and Cephalon also sponsored APF’s 2007 “Treatment Options: A Guide for People Living with Pain” which taught patients that opioids have “no ceiling dose” and are therefore safer than NSAIDs.
Long-term opioid use improves functioning	Janssen promoted Duragesic through an ad campaign as improving a patient’s functioning and work productivity. Janssen’s “Let’s Talk Pain” website featured a video interview claiming that opioids were what allowed a patient to “continue to function.” Similarly, Purdue ran a full-page ad for OxyContin in the Journal of the American Medical Association stating, “There Can Be Life With Relief” and implying that OxyContin would help users’ function; however the FDA noted that Purdue failed to warn that patients could die from taking OxyContin. Purdue also ran advertisements in medical journals in 2012 touting that OxyContin would help a “writer with osteoarthritis of the hands” work more effectively. Since May 2011, Endo has distributed and made available on its website – <a href="http://www.Opana.com">www.Opana.com</a> – a pamphlet implying that patients with physically demanding jobs would achieve long-term pain relief and functional improvement. Mallinckrodt’s website claims that “[t]he effective pain management offered by our [opioids] helps enable patients to stay in the workplace, enjoy interactions with family and friends, and remain an active member of society.”
Alternative forms of pain relief pose greater risks than opioids	Purdue and Cephalon sponsored APF’s publication entitled “Treatment Options: A Guide for People Living with Pain” warning of increased risks if NSAIDs are “taken for more than a period of months;” falsely attributing 10,000 to 20,000 deaths annually to NSAID overdoses when the figure is closer to 3,200. In 2009, Janssen sponsored a publication entitled, “Finding Relief: Pain Management for Older Adults” which listed dose limitations as “disadvantages” of other pain medicines. It also listed a number of serious health effects as disadvantages of NSAIDs while only listing “upset stomach or

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<b>Falsehood</b>	<b>Explanation</b>
	sleepiness” and constipation as disadvantages of opioids. Purdue and Endo sponsored a CME issued by the AMA in 2003, 2007, 2010 and 2013 entitled “Overview of Management Options” which taught that NSAIDs and other drugs, but not opioids, are unsafe at high doses.
OxyContin provides twelve hours of pain relief	In 2000, Purdue advertised that OxyContin provides “Consistent Plasma Levels Over 12 Hours;” however the oxycodone does not enter the body at a linear rate, releasing a greater proportion upon administration and gradually tapering over 12 hours. These 12-hour dosing advertisements ran in the <i>Journal of Pain</i> in February 2005 and the <i>Clinical Journal of Pain</i> in 2006.
New formulations of certain opioids successfully deter abuse	<p>Purdue presented an article in 2013 based on a review of data from poison control centers concluding that its ADF OxyContin can reduce abuse, but failed to acknowledge that abuse merely shifted to other drugs and that there were actually more harmful exposures to opioids after the reformulation. In 2016, Dr. J. David Haddox, VP of Health Policy for Purdue, falsely claimed that the evidence does not show Purdue’s ADF opioids are being abused in large numbers.</p> <p>Endo’s promotion of its Opana ER also tended to omit material facts according to a May 2012 letter from the FDA to Endo. Endo submitted a citizen petition asking the FDA for permission to label Opana ER as abuse-resistant, and also went so far as to sue the FDA to force expedited consideration of this change. Endo falsely promoted Opana ER as having been designed to be crush-resistant, knowing that this would (falsely) imply that it was actually crush-resistant and less likely to be abused (as stated in a June 14, 2012 press release). Endo initiated journal advertisements that appears in April 2013 stating Opana ER was “designed to be crush resistant.”</p> <p>Likewise, Actavis copyrighted a guide for prescribers representing that Kadian is more difficult to abuse and less addictive than other opioids. Mallinckrodt promoted both Exalgo and Xartemis XR as specifically formulated to reduce abuse, going so far as to state, “XARTEMIS XR has technology that requires abusers to exert additional effort to extract the active ingredient from the large quantity of inactive and deterrent ingredients.”</p>

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Additionally, as Plaintiff's investigation is ongoing, Plaintiff expects this topic will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with scheduling orders in this case and the Federal Rules of Civil Procedure.

Plaintiff reserves the right to supplement and amend this response upon further investigation.

**Interrogatory No. 28:**

Describe how, if at all, You used the information contained in the Ohio Automated Rx Reporting System (OARRS) to address prescription drug diversion and abuse.

**Response to Interrogatory No. 28:**

Plaintiff objects to this Interrogatory as vague, overly broad, and unduly burdensome to the extent it requests information on how Plaintiff “used the information contained in the Ohio Automated Rx Reporting System (OARRS), to address prescription drug diversion and abuse.” Plaintiff objects to this Interrogatory to the extent that it calls for disclosure of Privileged or Confidential Information, information protected by HIPAA, or information more readily accessible to expert than fact witnesses.

Subject to and without waiving all objections, Plaintiff directs Defendants to the 1,263 documents produced by Plaintiff, as of the date of this response, which identify the term Ohio Automated Rx Reporting System (“OARRS”). (*See* attached Exhibit 1, identifying the 1, 263 documents by Bates number.)

Plaintiff specifically reserves the right to supplement, modify, and amend this response upon further discovery. In addition, discovery is ongoing and this subject will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with the scheduling orders in this case and the Federal Rules of Civil Procedure.

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**Interrogatory No. 29:**

For each Suspicious Order that You contend was shipped into Your geographic area by a Distributor Defendant, identify how, if at all, the Prescription Opioids were used following the shipment, including what percentage of the Prescription Opioids were diverted, abused, used for legitimate medical purposes, used in some other manner, or destroyed, and if the Prescription Opioids were diverted, abused, or otherwise used improperly, who was involved in such diversion, abuse, or other improper use.

**Response to Interrogatory No. 29:**

Plaintiff objects to this Interrogatory as vague and ambiguous in its use of the phrases “identify how, if at all, the Prescription Opioids were used following the shipment” and “what percentage of the Prescription Opioids were diverted, abused, used for legitimate medical purposes, used in some other manner” as phrases that are subject to many interpretations.

Plaintiff also objects to the terms “diverted,” “abused” and “used for legitimate medical purposes” as overly broad and unduly burdensome. Plaintiff objects to “used in some manner” and “otherwise used improperly” as vague and ambiguous. Plaintiff further objects to the Interrogatory as unduly burdensome and not proportional to the needs of this case because it would be virtually, if not literally, impossible for Plaintiff to “identify how, if at all, the Prescription Opioids were used following the shipment” and to determine “what percentage of the Prescription Opioids were diverted, abused, used for legitimate medical purposes, used in some other manner, or destroyed.” Plaintiff objects to this interrogatory as overly burdensome and not proportional to the needs of the case in asking Plaintiff to identify for the Distributors—who are in a far better position to provide this information—exactly where they distributed opioids or “who was involved in such diversion, abuse, or other improper use.”

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The factual basis for Plaintiff's claims are specific and detailed: the conduct of the Manufacturing Defendants in engaging in a massive and misleading marketing campaign about opioids, coupled with the Distributor Defendants and National Retail Pharmacy Defendants' conduct in failing to monitor, regulate or restrict the improper distribution of opioids, are substantial causes of a public health crisis in Plaintiff's jurisdictions. This is not a collection of personal injury cases and Plaintiff does not seek any personal injury damages suffered by its residents; instead, the lawsuit seeks, *inter alia*, to abate a public nuisance affecting the communities as a whole and to compensate Plaintiff for the additional expenses caused by Defendants' conduct and from which each profited.

This case concerns whether the cumulative effect of Defendants' marketing and distribution practices created the opioid public health crisis that exists within Plaintiff's jurisdictions. Plaintiff's claims center on the aggregate effect of opioids on the public health, safety, and welfare within Plaintiff's jurisdictions. Plaintiff will prove its case through aggregate proof demonstrating the link between Defendants' unlawful and tortious conduct and the exponential increase in prescribing and diversion of opioids and the resulting harms on a jurisdiction-wide basis. The Defendants' actions were a substantial factor in the opioid epidemic.

Subject to and without waiving all objections, Plaintiff answers that it does not have complete information concerning how Prescription Opioids were used following shipment, including what percentage of the Prescription Opioids were diverted, abused, used for legitimate medical purposes, used in some other manner, or destroyed, and if the Prescription Opioids were diverted, abused, or otherwise used improperly, who was involved in such diversion, abuse, or other improper use. Even if the Interrogatory was proper and reasonably circumscribed, much of the information that would

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be arguably related to this Interrogatory relates to Defendants' conduct and Defendants' documents on Suspicious Order Reports have yet to be produced.

Subject to and without waiving all objections, Plaintiff responds that this Interrogatory is contention discovery more appropriately answered once discovery is complete. *See* Fed. R. Civ. P. 33(a)(2).

Plaintiff states that Plaintiff's current knowledge of this subject is reflected in Plaintiff's Corrected Second Amended Complaint. In addition, discovery is ongoing and this information will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with scheduling orders in this case and the Federal Rules of Civil Procedure.

Plaintiff reserves the right to supplement and amend this response upon further investigation.

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Dated: August 31, 2018

Respectfully submitted,  
Plevin & Gallucci

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Scott Elliot Smith L.P.A.

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Thrasher Dinsmore & Dolan L.P.A.

/s Leo M. Spellacy, Jr.  
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1111 Superior Avenue  
Suite 412  
Cleveland, Ohio 44114  
Phone: (216) 255-5450



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**CERTIFICATE OF SERVICE**

I, Salvatore C. Badala, certify that on this 31st day of August 2018, I caused the foregoing to be served via electronic mail on Defendant's Liaison Counsel pursuant to the Case Management Order.

*See* Dkt. No. 232.

*s/Salvatore C. Badala*

VERIFICATION


I, Joseph W. Boatwright, IV, declare:

I am Chief Corporate Counsel for the County of Cuyahoga, Ohio. I am authorized to make this verification on behalf of the Plaintiffs the County of Cuyahoga, Ohio and the State of Ohio *Ex Rel.* Prosecuting Attorney of Cuyahoga County, Michael C. O'Malley (together, "Plaintiff").

The foregoing Plaintiff's Responses and Objections to Distributor Defendants' Fourth Set of Interrogatories represents a municipal corporate response, based on information, in part, assembled by Plaintiff's employees and/or representatives. Because the matters stated in the document identified above constitute a corporate response, they are not all necessarily within my personal knowledge, or within the personal knowledge of any single individual. Subject to these limitations, the information contained in the foregoing response is, to the best of Plaintiff's knowledge, true and correct. Plaintiff reserves the right to make any changes should it appear that any omissions or errors have been made.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Cuyahoga, Ohio on this 31st day of August, 2018.

  
\_\_\_\_\_  
Joseph W. Boatwright, IV

# Exhibit 1

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<b>Bates BegControl</b>	<b>Bates EndControl</b>
CUYAH_000010289	CUYAH_000010298
CUYAH_000011630	CUYAH_000011632
CUYAH_000012072	CUYAH_000012075
CUYAH_000013000	CUYAH_000013089
CUYAH_000018265	CUYAH_000018277
CUYAH_000018361	CUYAH_000018488
CUYAH_000097414	CUYAH_000097414
CUYAH_000098281	CUYAH_000098321
CUYAH_000117300	CUYAH_000117301
CUYAH_000119796	CUYAH_000119797
CUYAH_000124701	CUYAH_000124711
CUYAH_000134417	CUYAH_000134417
CUYAH_000404649	CUYAH_000404649
CUYAH_001363900	CUYAH_001363907
CUYAH_001367546	CUYAH_001367553
CUYAH_001367557	CUYAH_001367564
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CUYAH_001368849	CUYAH_001368859
CUYAH_001370401	CUYAH_001370410
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CUYAH_001374690	CUYAH_001374696
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CUYAH_001431843	CUYAH_001431844
CUYAH_001431876	CUYAH_001431876
CUYAH_001431877	CUYAH_001431879
CUYAH_001431887	CUYAH_001431889
CUYAH_001431896	CUYAH_001431896
CUYAH_001431899	CUYAH_001431899
CUYAH_001431904	CUYAH_001431906

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<b>Bates BegControl</b>	<b>Bates EndControl</b>
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CUYAH_001432160	CUYAH_001432162
CUYAH_001432234	CUYAH_001432236
CUYAH_001432237	CUYAH_001432237
CUYAH_001432240	CUYAH_001432242
CUYAH_001432366	CUYAH_001432366
CUYAH_001432367	CUYAH_001432368
CUYAH_001432451	CUYAH_001432454
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CUYAH_001434075	CUYAH_001434078
CUYAH_001434141	CUYAH_001434144
CUYAH_001434145	CUYAH_001434147
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CUYAH_001434159	CUYAH_001434162
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CUYAH_001350089	CUYAH_001350089
CUYAH_000515015	CUYAH_000515015
CUYAH_000745116	CUYAH_000745116

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<b>Bates BegControl</b>	<b>Bates EndControl</b>
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CUYAH_000951322	CUYAH_000951347
CUYAH_000958243	CUYAH_000958275
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CUYAH_001061097	CUYAH_001061149
CUYAH_001077965	CUYAH_001078007
CUYAH_001093184	CUYAH_001093252
CUYAH_001110591	CUYAH_001110668
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CUYAH_001547636	CUYAH_001547636
CUYAH_001547662	CUYAH_001547725

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<b>Bates BegControl</b>	<b>Bates EndControl</b>
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CUYAH_001552156	CUYAH_001552157
CUYAH_001553684	CUYAH_001553722
CUYAH_001556955	CUYAH_001560338
CUYAH_001574129	CUYAH_001574132
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CUYAH_001612150	CUYAH_001612150
CUYAH_001612755	CUYAH_001612755

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<b>Bates BegControl</b>	<b>Bates EndControl</b>
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CUYAH_001613511	CUYAH_001613511
CUYAH_001613512	CUYAH_001613513
CUYAH_001613522	CUYAH_001613525
CUYAH_001614481	CUYAH_001614484
CUYAH_001614782	CUYAH_001614789
CUYAH_001614798	CUYAH_001614799
CUYAH_001614803	CUYAH_001614803
CUYAH_001614804	CUYAH_001614805
CUYAH_001614849	CUYAH_001614850
CUYAH_001614866	CUYAH_001614873
CUYAH_001614893	CUYAH_001614900
CUYAH_001614903	CUYAH_001614910
CUYAH_001614945	CUYAH_001614952
CUYAH_001614969	CUYAH_001614976
CUYAH_001615462	CUYAH_001615463
CUYAH_001615471	CUYAH_001615472
CUYAH_001615522	CUYAH_001615529
CUYAH_001615530	CUYAH_001615532
CUYAH_001615557	CUYAH_001615558
CUYAH_001615680	CUYAH_001615681
CUYAH_001616636	CUYAH_001616638
CUYAH_001616651	CUYAH_001616652
CUYAH_001616834	CUYAH_001616851
CUYAH_001616928	CUYAH_001616929
CUYAH_001617147	CUYAH_001617149
CUYAH_001617717	CUYAH_001617721
CUYAH_001617722	CUYAH_001617737
CUYAH_001617780	CUYAH_001617795
CUYAH_001618416	CUYAH_001618416
CUYAH_001619291	CUYAH_001619295
CUYAH_001619296	CUYAH_001619311



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<b>Bates BegControl</b>	<b>Bates EndControl</b>
CUYAH_001619490	CUYAH_001619494
CUYAH_001619495	CUYAH_001619510
CUYAH_001620312	CUYAH_001620312
CUYAH_001620313	CUYAH_001620313
CUYAH_001620314	CUYAH_001620316
CUYAH_001620317	CUYAH_001620317
CUYAH_001620318	CUYAH_001620320
CUYAH_001620321	CUYAH_001620321
CUYAH_001620322	CUYAH_001620324
CUYAH_001620325	CUYAH_001620325
CUYAH_001620326	CUYAH_001620328
CUYAH_001620329	CUYAH_001620329
CUYAH_001620330	CUYAH_001620332
CUYAH_001620333	CUYAH_001620333
CUYAH_001620334	CUYAH_001620336
CUYAH_001620337	CUYAH_001620337
CUYAH_001620338	CUYAH_001620340
CUYAH_001620341	CUYAH_001620341
CUYAH_001620342	CUYAH_001620343
CUYAH_001620505	CUYAH_001620505
CUYAH_001620568	CUYAH_001620568
CUYAH_001620612	CUYAH_001620612
CUYAH_001620628	CUYAH_001620628
CUYAH_001620713	CUYAH_001620713
CUYAH_001621209	CUYAH_001621220
CUYAH_001621260	CUYAH_001621260
CUYAH_001621316	CUYAH_001621316
CUYAH_001621317	CUYAH_001621319
CUYAH_001621371	CUYAH_001621373
CUYAH_001621502	CUYAH_001621502
CUYAH_001621503	CUYAH_001621505
CUYAH_001621547	CUYAH_001621548
CUYAH_001621584	CUYAH_001621585
CUYAH_001621595	CUYAH_001621605
CUYAH_001621933	CUYAH_001621934
CUYAH_001622161	CUYAH_001622161
CUYAH_001622162	CUYAH_001622162
CUYAH_001622188	CUYAH_001622190
CUYAH_001622195	CUYAH_001622197
CUYAH_001622198	CUYAH_001622198

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<b>Bates BegControl</b>	<b>Bates EndControl</b>
CUYAH_001622199	CUYAH_001622201
CUYAH_001622466	CUYAH_001622466
CUYAH_001622482	CUYAH_001622484
CUYAH_001622504	CUYAH_001622507
CUYAH_001622516	CUYAH_001622516
CUYAH_001622528	CUYAH_001622528
CUYAH_001622618	CUYAH_001622623
CUYAH_001622653	CUYAH_001622655
CUYAH_001622657	CUYAH_001622661
CUYAH_001622665	CUYAH_001622669
CUYAH_001622675	CUYAH_001622676
CUYAH_001622677	CUYAH_001622681
CUYAH_001622696	CUYAH_001622698
CUYAH_001622721	CUYAH_001622725
CUYAH_001622755	CUYAH_001622758
CUYAH_001622766	CUYAH_001622769
CUYAH_001622914	CUYAH_001622915
CUYAH_001623224	CUYAH_001623228
CUYAH_001623229	CUYAH_001623229
CUYAH_001623230	CUYAH_001623235
CUYAH_001623279	CUYAH_001623295
CUYAH_001623581	CUYAH_001623597
CUYAH_001624328	CUYAH_001624330
CUYAH_001624337	CUYAH_001624339
CUYAH_001624559	CUYAH_001624560
CUYAH_001624561	CUYAH_001624563
CUYAH_001624623	CUYAH_001624625
CUYAH_001624782	CUYAH_001624785
CUYAH_001624812	CUYAH_001624812
CUYAH_001625010	CUYAH_001625013
CUYAH_001625127	CUYAH_001625127
CUYAH_001625749	CUYAH_001625749
CUYAH_001625767	CUYAH_001625767
CUYAH_001625800	CUYAH_001625801
CUYAH_001625818	CUYAH_001625819
CUYAH_001625980	CUYAH_001625981
CUYAH_001626162	CUYAH_001626163
CUYAH_001626167	CUYAH_001626168
CUYAH_001626173	CUYAH_001626176
CUYAH_001626185	CUYAH_001626185

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<b>Bates BegControl</b>	<b>Bates EndControl</b>
CUYAH_001626186	CUYAH_001626188
CUYAH_001626197	CUYAH_001626200
CUYAH_001626201	CUYAH_001626203
CUYAH_001626204	CUYAH_001626204
CUYAH_001626254	CUYAH_001626258
CUYAH_001626282	CUYAH_001626287
CUYAH_001626376	CUYAH_001626380
CUYAH_001626398	CUYAH_001626401
CUYAH_001626411	CUYAH_001626417
CUYAH_001626425	CUYAH_001626430
CUYAH_001626432	CUYAH_001626437
CUYAH_001626447	CUYAH_001626455
CUYAH_001626472	CUYAH_001626475
CUYAH_001626487	CUYAH_001626491
CUYAH_001626513	CUYAH_001626517
CUYAH_001626518	CUYAH_001626519
CUYAH_001626530	CUYAH_001626538
CUYAH_001626543	CUYAH_001626550
CUYAH_001626592	CUYAH_001626595
CUYAH_001626599	CUYAH_001626601
CUYAH_001626617	CUYAH_001626620
CUYAH_001626813	CUYAH_001626813
CUYAH_001627028	CUYAH_001627032
CUYAH_001627033	CUYAH_001627046
CUYAH_001627229	CUYAH_001627229
CUYAH_001627243	CUYAH_001627244
CUYAH_001627245	CUYAH_001627245
CUYAH_001627267	CUYAH_001627267
CUYAH_001627299	CUYAH_001627301
CUYAH_001628112	CUYAH_001628113
CUYAH_001628144	CUYAH_001628144
CUYAH_001628185	CUYAH_001628187
CUYAH_001628188	CUYAH_001628189
CUYAH_001628190	CUYAH_001628191
CUYAH_001628192	CUYAH_001628192
CUYAH_001628193	CUYAH_001628193
CUYAH_001628238	CUYAH_001628240
CUYAH_001628241	CUYAH_001628242
CUYAH_001628638	CUYAH_001628638
CUYAH_001628672	CUYAH_001628672

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<b>Bates BegControl</b>	<b>Bates EndControl</b>
CUYAH_001628759	CUYAH_001628799
CUYAH_001629050	CUYAH_001629092
CUYAH_001629147	CUYAH_001629189
CUYAH_001629241	CUYAH_001629283
CUYAH_001629455	CUYAH_001629497
CUYAH_001629518	CUYAH_001629560
CUYAH_001629771	CUYAH_001629771
CUYAH_001630054	CUYAH_001630055
CUYAH_001630090	CUYAH_001630092
CUYAH_001630096	CUYAH_001630099
CUYAH_001630100	CUYAH_001630103
CUYAH_001630230	CUYAH_001630230
CUYAH_001630712	CUYAH_001630713
CUYAH_001630719	CUYAH_001630720
CUYAH_001630818	CUYAH_001630819
CUYAH_001630867	CUYAH_001630869
CUYAH_001630877	CUYAH_001630878
CUYAH_001630901	CUYAH_001630905
CUYAH_001630913	CUYAH_001630915
CUYAH_001630941	CUYAH_001630945
CUYAH_001630970	CUYAH_001630973
CUYAH_001631369	CUYAH_001631369
CUYAH_001631562	CUYAH_001631562
CUYAH_001631589	CUYAH_001631590
CUYAH_001631591	CUYAH_001631591
CUYAH_001631800	CUYAH_001631800
CUYAH_001631851	CUYAH_001631851
CUYAH_001632068	CUYAH_001632069
CUYAH_001632377	CUYAH_001632378
CUYAH_001632412	CUYAH_001632412
CUYAH_001632607	CUYAH_001632608
CUYAH_001632611	CUYAH_001632612
CUYAH_001632616	CUYAH_001632617
CUYAH_001632673	CUYAH_001632674
CUYAH_001632676	CUYAH_001632676
CUYAH_001632677	CUYAH_001632677
CUYAH_001632789	CUYAH_001632790
CUYAH_001632791	CUYAH_001632791
CUYAH_001632796	CUYAH_001632797
CUYAH_001632803	CUYAH_001632805

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<b>Bates BegControl</b>	<b>Bates EndControl</b>
CUYAH_001633399	CUYAH_001633399
CUYAH_001633486	CUYAH_001633486
CUYAH_001633505	CUYAH_001633505
CUYAH_001633648	CUYAH_001633650
CUYAH_001633749	CUYAH_001633750
CUYAH_001637461	CUYAH_001637463
CUYAH_001637646	CUYAH_001637648
CUYAH_001637802	CUYAH_001637802
CUYAH_001637804	CUYAH_001637805
CUYAH_001637806	CUYAH_001637806
CUYAH_001637807	CUYAH_001637808
CUYAH_001637809	CUYAH_001637810
CUYAH_001637811	CUYAH_001637812
CUYAH_001637813	CUYAH_001637814
CUYAH_001637857	CUYAH_001637857
CUYAH_001637872	CUYAH_001637874
CUYAH_001637911	CUYAH_001637911
CUYAH_001637938	CUYAH_001637938
CUYAH_001637942	CUYAH_001637942
CUYAH_001637960	CUYAH_001637960
CUYAH_001637994	CUYAH_001637994
CUYAH_001638063	CUYAH_001638064
CUYAH_001638091	CUYAH_001638092
CUYAH_001638097	CUYAH_001638098
CUYAH_001638150	CUYAH_001638150
CUYAH_001638227	CUYAH_001638230
CUYAH_001638233	CUYAH_001638235
CUYAH_001638306	CUYAH_001638309
CUYAH_001638362	CUYAH_001638362
CUYAH_001638394	CUYAH_001638394
CUYAH_001638395	CUYAH_001638395
CUYAH_001638730	CUYAH_001638745
CUYAH_001638757	CUYAH_001638757
CUYAH_001638783	CUYAH_001638784
CUYAH_001638973	CUYAH_001638974
CUYAH_001638984	CUYAH_001638985
CUYAH_001638990	CUYAH_001638991
CUYAH_001639057	CUYAH_001639058
CUYAH_001639059	CUYAH_001639060
CUYAH_001639102	CUYAH_001639103

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<b>Bates BegControl</b>	<b>Bates EndControl</b>
CUYAH_001639167	CUYAH_001639168
CUYAH_001639434	CUYAH_001639438
CUYAH_001639459	CUYAH_001639459
CUYAH_001639477	CUYAH_001639478
CUYAH_001639480	CUYAH_001639481
CUYAH_001639482	CUYAH_001639483
CUYAH_001639487	CUYAH_001639488
CUYAH_001639506	CUYAH_001639507
CUYAH_001639533	CUYAH_001639533
CUYAH_001639534	CUYAH_001639534
CUYAH_001639922	CUYAH_001639923
CUYAH_001639924	CUYAH_001639928
CUYAH_001640566	CUYAH_001640567
CUYAH_001640580	CUYAH_001640580
CUYAH_001640581	CUYAH_001640582
CUYAH_001640600	CUYAH_001640601
CUYAH_001640604	CUYAH_001640605
CUYAH_001640615	CUYAH_001640618
CUYAH_001640623	CUYAH_001640624
CUYAH_001640658	CUYAH_001640658
CUYAH_001640659	CUYAH_001640660
CUYAH_001640661	CUYAH_001640662
CUYAH_001640664	CUYAH_001640665
CUYAH_001640678	CUYAH_001640679
CUYAH_001640952	CUYAH_001640953
CUYAH_001641481	CUYAH_001641482
CUYAH_001641492	CUYAH_001641502
CUYAH_001641631	CUYAH_001641631
CUYAH_001641632	CUYAH_001641634
CUYAH_001642028	CUYAH_001642028
CUYAH_001642029	CUYAH_001642029
CUYAH_001642443	CUYAH_001642443
CUYAH_001642506	CUYAH_001642507
CUYAH_001642513	CUYAH_001642514
CUYAH_001642528	CUYAH_001642528
CUYAH_001642530	CUYAH_001642531
CUYAH_001642535	CUYAH_001642536
CUYAH_001642546	CUYAH_001642556
CUYAH_001642922	CUYAH_001642922
CUYAH_001642944	CUYAH_001642944

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<b>Bates BegControl</b>	<b>Bates EndControl</b>
CUYAH_001643453	CUYAH_001643454
CUYAH_001645073	CUYAH_001645073
CUYAH_001645368	CUYAH_001645370
CUYAH_001646058	CUYAH_001646058
CUYAH_001646182	CUYAH_001646182
CUYAH_001646282	CUYAH_001646290
CUYAH_001646501	CUYAH_001646511
CUYAH_001646607	CUYAH_001646608
CUYAH_001647128	CUYAH_001647130
CUYAH_001647457	CUYAH_001647460
CUYAH_001648491	CUYAH_001648493
CUYAH_001648616	CUYAH_001648618
CUYAH_001649850	CUYAH_001649851
CUYAH_001649863	CUYAH_001649863
CUYAH_001650257	CUYAH_001650258
CUYAH_001650481	CUYAH_001650483
CUYAH_001650502	CUYAH_001650504
CUYAH_001650505	CUYAH_001650505
CUYAH_001650516	CUYAH_001650517
CUYAH_001650527	CUYAH_001650527
CUYAH_001650528	CUYAH_001650528
CUYAH_001650597	CUYAH_001650597
CUYAH_001650692	CUYAH_001650692
CUYAH_001650759	CUYAH_001650798
CUYAH_001650915	CUYAH_001650915
CUYAH_001650941	CUYAH_001650941
CUYAH_001650959	CUYAH_001650961
CUYAH_001650974	CUYAH_001650976
CUYAH_001651259	CUYAH_001651261
CUYAH_001651603	CUYAH_001651604
CUYAH_001651877	CUYAH_001651879
CUYAH_001651889	CUYAH_001651919
CUYAH_001651984	CUYAH_001652001
CUYAH_001652444	CUYAH_001652446
CUYAH_001652535	CUYAH_001652587
CUYAH_001652935	CUYAH_001652939
CUYAH_001653177	CUYAH_001653178
CUYAH_001653218	CUYAH_001653219
CUYAH_001653247	CUYAH_001653248
CUYAH_001653287	CUYAH_001653292



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<b>Bates BegControl</b>	<b>Bates EndControl</b>
CUYAH_001653328	CUYAH_001653333
CUYAH_001653336	CUYAH_001653338
CUYAH_001653439	CUYAH_001653445
CUYAH_001653449	CUYAH_001653449
CUYAH_001653450	CUYAH_001653456
CUYAH_001653457	CUYAH_001653459
CUYAH_001653715	CUYAH_001653715
CUYAH_001653790	CUYAH_001653791
CUYAH_001654103	CUYAH_001654104
CUYAH_001654156	CUYAH_001654164
CUYAH_001654235	CUYAH_001654235
CUYAH_001654237	CUYAH_001654246
CUYAH_001654303	CUYAH_001654303
CUYAH_001654304	CUYAH_001654317
CUYAH_001654423	CUYAH_001654423
CUYAH_001654428	CUYAH_001654429
CUYAH_001654525	CUYAH_001654525
CUYAH_001654531	CUYAH_001654532
CUYAH_001654575	CUYAH_001654575
CUYAH_001654742	CUYAH_001654748
CUYAH_001654749	CUYAH_001654751
CUYAH_001654796	CUYAH_001654799
CUYAH_001654836	CUYAH_001654840
CUYAH_001654934	CUYAH_001654935
CUYAH_001654967	CUYAH_001654976
CUYAH_001655178	CUYAH_001655219
CUYAH_001655578	CUYAH_001655578
CUYAH_001655635	CUYAH_001655635
CUYAH_001655843	CUYAH_001655843
CUYAH_001656435	CUYAH_001656436
CUYAH_001656480	CUYAH_001656481
CUYAH_001656512	CUYAH_001656514
CUYAH_001656515	CUYAH_001656517
CUYAH_001656729	CUYAH_001656732
CUYAH_001656795	CUYAH_001656806
CUYAH_001656807	CUYAH_001656824
CUYAH_001656827	CUYAH_001656830
CUYAH_001656831	CUYAH_001656999
CUYAH_001657077	CUYAH_001657088
CUYAH_001657455	CUYAH_001657457



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<b>Bates BegControl</b>	<b>Bates EndControl</b>
CUYAH_001657458	CUYAH_001657458
CUYAH_001657460	CUYAH_001657482
CUYAH_001657575	CUYAH_001657575
CUYAH_001657722	CUYAH_001657778
CUYAH_001657857	CUYAH_001657858
CUYAH_001657912	CUYAH_001657914
CUYAH_001657916	CUYAH_001657917
CUYAH_001657943	CUYAH_001657946
CUYAH_001658297	CUYAH_001658300
CUYAH_001658348	CUYAH_001658380
CUYAH_001658783	CUYAH_001658786
CUYAH_001658922	CUYAH_001658925
CUYAH_001658945	CUYAH_001658945
CUYAH_001658957	CUYAH_001658961
CUYAH_001658963	CUYAH_001658965
CUYAH_001658966	CUYAH_001658968
CUYAH_001658969	CUYAH_001658969
CUYAH_001658982	CUYAH_001658984
CUYAH_001658985	CUYAH_001658988
CUYAH_001658991	CUYAH_001658991
CUYAH_001659068	CUYAH_001659071
CUYAH_001659081	CUYAH_001659082
CUYAH_001659088	CUYAH_001659088
CUYAH_001659132	CUYAH_001659135
CUYAH_001659138	CUYAH_001659138
CUYAH_001659139	CUYAH_001659139
CUYAH_001659155	CUYAH_001659157
CUYAH_001659168	CUYAH_001659177
CUYAH_001659195	CUYAH_001659197
CUYAH_001659206	CUYAH_001659207
CUYAH_001659227	CUYAH_001659227
CUYAH_001659252	CUYAH_001659252
CUYAH_001659253	CUYAH_001659259
CUYAH_001659262	CUYAH_001659263
CUYAH_001659267	CUYAH_001659269
CUYAH_001659270	CUYAH_001659270
CUYAH_001659283	CUYAH_001659285
CUYAH_001659286	CUYAH_001659286
CUYAH_001659301	CUYAH_001659302
CUYAH_001659368	CUYAH_001659370

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<b>Bates BegControl</b>	<b>Bates EndControl</b>
CUYAH_001659375	CUYAH_001659377
CUYAH_001659378	CUYAH_001659378
CUYAH_001659388	CUYAH_001659388
CUYAH_001659407	CUYAH_001659407
CUYAH_001659454	CUYAH_001659456
CUYAH_001659474	CUYAH_001659474
CUYAH_001659483	CUYAH_001659483
CUYAH_001659487	CUYAH_001659488
CUYAH_001659503	CUYAH_001659509
CUYAH_001659511	CUYAH_001659511
CUYAH_001659513	CUYAH_001659556
CUYAH_001659609	CUYAH_001659618
CUYAH_001659619	CUYAH_001659623
CUYAH_001659631	CUYAH_001659633
CUYAH_001659742	CUYAH_001659742
CUYAH_001659777	CUYAH_001659782
CUYAH_001659796	CUYAH_001659800
CUYAH_001659839	CUYAH_001659840
CUYAH_001659986	CUYAH_001659990
CUYAH_001659996	CUYAH_001659997
CUYAH_001659998	CUYAH_001660002
CUYAH_001660153	CUYAH_001660153
CUYAH_001660393	CUYAH_001660393
CUYAH_001661003	CUYAH_001661005
CUYAH_001661461	CUYAH_001661462
CUYAH_001661684	CUYAH_001661688
CUYAH_001661769	CUYAH_001661769
CUYAH_001661932	CUYAH_001661933
CUYAH_001663444	CUYAH_001663447
CUYAH_001663534	CUYAH_001663534
CUYAH_001663537	CUYAH_001663541
CUYAH_001663549	CUYAH_001663553
CUYAH_001663555	CUYAH_001663555
CUYAH_001663581	CUYAH_001663585
CUYAH_001663643	CUYAH_001663648
CUYAH_001663662	CUYAH_001663663
CUYAH_001663679	CUYAH_001663683
CUYAH_001663764	CUYAH_001663771
CUYAH_001663778	CUYAH_001663778
CUYAH_001663779	CUYAH_001663784

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<b>Bates BegControl</b>	<b>Bates EndControl</b>
CUYAH_001663785	CUYAH_001663788
CUYAH_001663868	CUYAH_001663872
CUYAH_001663875	CUYAH_001663884
CUYAH_001664086	CUYAH_001664095
CUYAH_001664193	CUYAH_001664193
CUYAH_001664203	CUYAH_001664203
CUYAH_001664220	CUYAH_001664225
CUYAH_001664263	CUYAH_001664264
CUYAH_001664670	CUYAH_001664671
CUYAH_001664794	CUYAH_001664795
CUYAH_001664797	CUYAH_001664806
CUYAH_001664818	CUYAH_001664818
CUYAH_001665042	CUYAH_001665042
CUYAH_001665085	CUYAH_001665085
CUYAH_001665093	CUYAH_001665093
CUYAH_001665095	CUYAH_001665095
CUYAH_001665132	CUYAH_001665132
CUYAH_001665153	CUYAH_001665154
CUYAH_001665199	CUYAH_001665199
CUYAH_001665204	CUYAH_001665204
CUYAH_001665205	CUYAH_001665205
CUYAH_001665207	CUYAH_001665207
CUYAH_001665389	CUYAH_001665389
CUYAH_001665406	CUYAH_001665406
CUYAH_001665408	CUYAH_001665471
CUYAH_001665766	CUYAH_001665766
CUYAH_001665827	CUYAH_001665828
CUYAH_001665830	CUYAH_001665834
CUYAH_001666088	CUYAH_001666088
CUYAH_001666429	CUYAH_001666429
CUYAH_001666527	CUYAH_001666528
CUYAH_001666679	CUYAH_001666681
CUYAH_001666693	CUYAH_001666697
CUYAH_001666873	CUYAH_001666874
CUYAH_001668001	CUYAH_001668001
CUYAH_001668082	CUYAH_001668082
CUYAH_001668692	CUYAH_001668692
CUYAH_001668751	CUYAH_001668751
CUYAH_001668753	CUYAH_001668753
CUYAH_001668951	CUYAH_001668951

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<b>Bates BegControl</b>	<b>Bates EndControl</b>
CUYAH_001668954	CUYAH_001668956
CUYAH_001669002	CUYAH_001669002
CUYAH_001669763	CUYAH_001669764
CUYAH_001669909	CUYAH_001669910
CUYAH_001669914	CUYAH_001669916
CUYAH_001669938	CUYAH_001669938
CUYAH_001670055	CUYAH_001670055
CUYAH_001670208	CUYAH_001670210
CUYAH_001670225	CUYAH_001670225
CUYAH_001670245	CUYAH_001670246
CUYAH_001670277	CUYAH_001670277
CUYAH_001670897	CUYAH_001670900
CUYAH_001670928	CUYAH_001670928
CUYAH_001670952	CUYAH_001670954
CUYAH_001670955	CUYAH_001670957
CUYAH_001670958	CUYAH_001670960
CUYAH_001670961	CUYAH_001670962
CUYAH_001670963	CUYAH_001670964
CUYAH_001670979	CUYAH_001670979
CUYAH_001670988	CUYAH_001670988
CUYAH_001671053	CUYAH_001671054
CUYAH_001671059	CUYAH_001671059
CUYAH_001671342	CUYAH_001671343
CUYAH_001671347	CUYAH_001671383
CUYAH_001672994	CUYAH_001672994
CUYAH_001673003	CUYAH_001673005
CUYAH_001673006	CUYAH_001673007
CUYAH_001673008	CUYAH_001673009
CUYAH_001673012	CUYAH_001673013
CUYAH_001674059	CUYAH_001674059
CUYAH_001674196	CUYAH_001674202
CUYAH_001676064	CUYAH_001676065
CUYAH_001676097	CUYAH_001676098
CUYAH_001680926	CUYAH_001680928
CUYAH_001680943	CUYAH_001680945
CUYAH_001681011	CUYAH_001681012
CUYAH_001684398	CUYAH_001684399
CUYAH_001684462	CUYAH_001684463
CUYAH_001684525	CUYAH_001684526
CUYAH_001684555	CUYAH_001684555

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<b>Bates BegControl</b>	<b>Bates EndControl</b>
CUYAH_001684990	CUYAH_001684993
CUYAH_001689554	CUYAH_001689556
CUYAH_001689705	CUYAH_001689708
CUYAH_001689733	CUYAH_001689736
CUYAH_001689753	CUYAH_001689756
CUYAH_001689848	CUYAH_001689850
CUYAH_001689864	CUYAH_001693247
CUYAH_001693306	CUYAH_001693309
CUYAH_001693382	CUYAH_001693388
CUYAH_001695805	CUYAH_001695813
CUYAH_001695814	CUYAH_001695817
CUYAH_001696669	CUYAH_001696673
CUYAH_001696748	CUYAH_001696750
CUYAH_001696785	CUYAH_001696792
CUYAH_001696793	CUYAH_001696796
CUYAH_001697411	CUYAH_001697417
CUYAH_001697433	CUYAH_001697436
CUYAH_001697459	CUYAH_001697490
CUYAH_001697529	CUYAH_001697530
CUYAH_001697538	CUYAH_001697539
CUYAH_001697548	CUYAH_001697549
CUYAH_001697596	CUYAH_001697601
CUYAH_001697636	CUYAH_001697638
CUYAH_001697709	CUYAH_001697711
CUYAH_001697882	CUYAH_001697885
CUYAH_001698040	CUYAH_001698041
CUYAH_001698130	CUYAH_001698130
CUYAH_001699097	CUYAH_001699098
CUYAH_001699117	CUYAH_001699119
CUYAH_001699337	CUYAH_001699340
CUYAH_001699470	CUYAH_001699472
CUYAH_001699488	CUYAH_001699490
CUYAH_001699491	CUYAH_001699492
CUYAH_001699636	CUYAH_001699637
CUYAH_001699670	CUYAH_001699686
CUYAH_001699761	CUYAH_001699801
CUYAH_001699914	CUYAH_001699914
CUYAH_001700010	CUYAH_001700010
CUYAH_001700467	CUYAH_001700475
CUYAH_001700904	CUYAH_001700906

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<b>Bates BegControl</b>	<b>Bates EndControl</b>
CUYAH_001701203	CUYAH_001701204
CUYAH_001701461	CUYAH_001701462
CUYAH_001701551	CUYAH_001701551
CUYAH_001701771	CUYAH_001701773
CUYAH_001703854	CUYAH_001703856
CUYAH_001704117	CUYAH_001704119
CUYAH_001706245	CUYAH_001706246
CUYAH_001706434	CUYAH_001706435
CUYAH_001707403	CUYAH_001707409
CUYAH_001708666	CUYAH_001708667
CUYAH_001709118	CUYAH_001709119
CUYAH_001709175	CUYAH_001709176
CUYAH_001709210	CUYAH_001709211
CUYAH_001709320	CUYAH_001709321
CUYAH_001709342	CUYAH_001709343
CUYAH_001709355	CUYAH_001709357
CUYAH_001709363	CUYAH_001709365
CUYAH_001709374	CUYAH_001709374
CUYAH_001709379	CUYAH_001709381
CUYAH_001709383	CUYAH_001709384
CUYAH_001709385	CUYAH_001709386
CUYAH_001709387	CUYAH_001709388
CUYAH_001709631	CUYAH_001709631
CUYAH_001709667	CUYAH_001709674
CUYAH_001709675	CUYAH_001709676
CUYAH_001709693	CUYAH_001709695
CUYAH_001709756	CUYAH_001709759
CUYAH_001709817	CUYAH_001709817
CUYAH_001709818	CUYAH_001709819
CUYAH_001709829	CUYAH_001709829
CUYAH_001709830	CUYAH_001709830
CUYAH_001709880	CUYAH_001709883
CUYAH_001709886	CUYAH_001709886
CUYAH_001709887	CUYAH_001709889
CUYAH_001709924	CUYAH_001709925
CUYAH_001709940	CUYAH_001709947
CUYAH_001709970	CUYAH_001709970
CUYAH_001709971	CUYAH_001709973
CUYAH_001709992	CUYAH_001709993
CUYAH_001710087	CUYAH_001710091

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<b>Bates BegControl</b>	<b>Bates EndControl</b>
CUYAH_001710097	CUYAH_001710098
CUYAH_001710102	CUYAH_001710103
CUYAH_001710116	CUYAH_001710117
CUYAH_001710201	CUYAH_001710203
CUYAH_001710216	CUYAH_001710217
CUYAH_001710246	CUYAH_001710247
CUYAH_001710331	CUYAH_001710332
CUYAH_001710369	CUYAH_001710369
CUYAH_001711106	CUYAH_001711109
CUYAH_001711183	CUYAH_001711183
CUYAH_001711246	CUYAH_001711246
CUYAH_001711334	CUYAH_001711335
CUYAH_001711721	CUYAH_001711721
CUYAH_001711776	CUYAH_001711776
CUYAH_001711778	CUYAH_001711778
CUYAH_001711791	CUYAH_001711791
CUYAH_001711792	CUYAH_001711792
CUYAH_001711793	CUYAH_001711794
CUYAH_001711842	CUYAH_001711842
CUYAH_001711846	CUYAH_001711846
CUYAH_001711861	CUYAH_001711861
CUYAH_001711869	CUYAH_001711869
CUYAH_001711870	CUYAH_001711870
CUYAH_001711881	CUYAH_001711881
CUYAH_001711901	CUYAH_001711901
CUYAH_001711906	CUYAH_001711906
CUYAH_001711921	CUYAH_001711922
CUYAH_001711927	CUYAH_001711928
CUYAH_001711932	CUYAH_001711932
CUYAH_001711992	CUYAH_001711993
CUYAH_001711995	CUYAH_001711995
CUYAH_001711997	CUYAH_001711997
CUYAH_001712005	CUYAH_001712005
CUYAH_001712006	CUYAH_001712006
CUYAH_001712051	CUYAH_001712054
CUYAH_001712056	CUYAH_001712059
CUYAH_001712151	CUYAH_001712152
CUYAH_001712167	CUYAH_001712170
CUYAH_001712186	CUYAH_001712191
CUYAH_001712220	CUYAH_001712220



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<b>Bates BegControl</b>	<b>Bates EndControl</b>
CUYAH_001712230	CUYAH_001712233
CUYAH_001712416	CUYAH_001712416
CUYAH_001712423	CUYAH_001712423
CUYAH_001712424	CUYAH_001712424
CUYAH_001712453	CUYAH_001712453
CUYAH_001712483	CUYAH_001712488
CUYAH_001712494	CUYAH_001712497
CUYAH_001712498	CUYAH_001712500
CUYAH_001712523	CUYAH_001712528
CUYAH_001712558	CUYAH_001712558
CUYAH_001712561	CUYAH_001712561
CUYAH_001712575	CUYAH_001712578
CUYAH_001712582	CUYAH_001712585
CUYAH_001712590	CUYAH_001712591
CUYAH_001712593	CUYAH_001712596
CUYAH_001712601	CUYAH_001712601
CUYAH_001712604	CUYAH_001712604
CUYAH_001712606	CUYAH_001712607
CUYAH_001712608	CUYAH_001712608
CUYAH_001712624	CUYAH_001712625
CUYAH_001712646	CUYAH_001712647
CUYAH_001712648	CUYAH_001712648
CUYAH_001712658	CUYAH_001712663
CUYAH_001713138	CUYAH_001713139
CUYAH_001713201	CUYAH_001713202
CUYAH_001713213	CUYAH_001713217
CUYAH_001713240	CUYAH_001713241
CUYAH_001713293	CUYAH_001713297
CUYAH_001713300	CUYAH_001713301
CUYAH_001713302	CUYAH_001713303
CUYAH_001713319	CUYAH_001713320
CUYAH_001713324	CUYAH_001713326
CUYAH_001713401	CUYAH_001713405
CUYAH_001713453	CUYAH_001713454
CUYAH_001713455	CUYAH_001713459
CUYAH_001713628	CUYAH_001713629
CUYAH_001713630	CUYAH_001713634
CUYAH_001713679	CUYAH_001713742
CUYAH_001713783	CUYAH_001713787
CUYAH_001713902	CUYAH_001713902



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<b>Bates BegControl</b>	<b>Bates EndControl</b>
CUYAH_001713958	CUYAH_001713959
CUYAH_001714086	CUYAH_001714087
CUYAH_001716024	CUYAH_001716032
CUYAH_001719692	CUYAH_001719693
CUYAH_001719698	CUYAH_001719707
CUYAH_001721648	CUYAH_001721655
CUYAH_001732198	CUYAH_001732211
CUYAH_001732266	CUYAH_001732272
CUYAH_001732294	CUYAH_001732300
CUYAH_001732352	CUYAH_001732358
CUYAH_001751863	CUYAH_001751868
CUYAH_001754208	CUYAH_001754216
CUYAH_001758246	CUYAH_001758251
CUYAH_001758568	CUYAH_001758569
CUYAH_001758574	CUYAH_001758583
CUYAH_001758741	CUYAH_001758750
CUYAH_001758972	CUYAH_001758982
CUYAH_001760254	CUYAH_001760260
CUYAH_001769674	CUYAH_001769674
CUYAH_001775063	CUYAH_001775112
CUYAH_001775123	CUYAH_001775172
CUYAH_001778902	CUYAH_001778999
CUYAH_001783629	CUYAH_001783636
CUYAH_001783736	CUYAH_001783743
CUYAH_001787453	CUYAH_001787464
CUYAH_001787530	CUYAH_001787541
CUYAH_001790237	CUYAH_001790245
CUYAH_001792366	CUYAH_001792371
CUYAH_001792480	CUYAH_001792481
CUYAH_001792486	CUYAH_001792495
CUYAH_001793121	CUYAH_001793130
CUYAH_001793270	CUYAH_001793280
CUYAH_001794902	CUYAH_001794910
CUYAH_001797763	CUYAH_001797769
CUYAH_001802268	CUYAH_001802278
CUYAH_001802330	CUYAH_001802340
CUYAH_001802659	CUYAH_001802669
CUYAH_001802671	CUYAH_001802681
CUYAH_001805409	CUYAH_001805415
CUYAH_001807565	CUYAH_001807570

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<b>Bates BegControl</b>	<b>Bates EndControl</b>
CUYAH_001814569	CUYAH_001814579
CUYAH_001814726	CUYAH_001814736
CUYAH_001830297	CUYAH_001830309
CUYAH_001830529	CUYAH_001830531
CUYAH_001830535	CUYAH_001830537
CUYAH_001830553	CUYAH_001830554
CUYAH_001830852	CUYAH_001830852
CUYAH_001830853	CUYAH_001830853
CUYAH_001830854	CUYAH_001830854
CUYAH_001830855	CUYAH_001830855
CUYAH_001830856	CUYAH_001830856
CUYAH_001830857	CUYAH_001830857
CUYAH_001830859	CUYAH_001830859
CUYAH_001830860	CUYAH_001830860
CUYAH_001830861	CUYAH_001830861
CUYAH_001830862	CUYAH_001830862
CUYAH_001830863	CUYAH_001830863
CUYAH_001830864	CUYAH_001830864
CUYAH_001830865	CUYAH_001830865
CUYAH_001830866	CUYAH_001830866
CUYAH_001830867	CUYAH_001830867
CUYAH_001830868	CUYAH_001830868
CUYAH_001830869	CUYAH_001830869
CUYAH_001830870	CUYAH_001830870
CUYAH_001830871	CUYAH_001830871
CUYAH_001830872	CUYAH_001830872
CUYAH_001830873	CUYAH_001830873
CUYAH_001830875	CUYAH_001830875
CUYAH_001830876	CUYAH_001830876
CUYAH_001830877	CUYAH_001830877
CUYAH_001830878	CUYAH_001830878
CUYAH_001830879	CUYAH_001830879
CUYAH_001830882	CUYAH_001830882
CUYAH_001830884	CUYAH_001830884
CUYAH_001830885	CUYAH_001830885
CUYAH_001830886	CUYAH_001830886
CUYAH_001830888	CUYAH_001830888
CUYAH_001830891	CUYAH_001830891
CUYAH_001830892	CUYAH_001830892
CUYAH_001830895	CUYAH_001830895

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<b>Bates BegControl</b>	<b>Bates EndControl</b>
CUYAH_001830896	CUYAH_001830896
CUYAH_001830904	CUYAH_001830904
CUYAH_001830971	CUYAH_001830973
CUYAH_001830996	CUYAH_001830998
CUYAH_001831002	CUYAH_001831004
CUYAH_001831044	CUYAH_001831046
CUYAH_001831049	CUYAH_001831052
CUYAH_001831064	CUYAH_001831065
CUYAH_001831081	CUYAH_001831081
CUYAH_001831107	CUYAH_001831170
CUYAH_001833581	CUYAH_001833624
CUYAH_001834940	CUYAH_001835021
CUYAH_001836382	CUYAH_001836383
CUYAH_001836977	CUYAH_001836979
CUYAH_001837033	CUYAH_001837036
CUYAH_001837040	CUYAH_001837042
CUYAH_001837174	CUYAH_001837174
CUYAH_001839204	CUYAH_001839242
CUYAH_001841332	CUYAH_001844715
CUYAH_001855430	CUYAH_001855433
CUYAH_001857438	CUYAH_001857494
CUYAH_001865463	CUYAH_001865575
CUYAH_001885609	CUYAH_001885610
CUYAH_001894443	CUYAH_001894444
CUYAH_001894445	CUYAH_001894449
CUYAH_001894736	CUYAH_001894736
CUYAH_001894738	CUYAH_001894739
CUYAH_001894740	CUYAH_001894744
CUYAH_001894750	CUYAH_001894751
CUYAH_001894752	CUYAH_001894756
CUYAH_001894826	CUYAH_001894827
CUYAH_001894886	CUYAH_001894890
CUYAH_001895717	CUYAH_001895721
CUYAH_001895726	CUYAH_001895728
CUYAH_001895735	CUYAH_001895735
CUYAH_001895772	CUYAH_001895772
CUYAH_001895773	CUYAH_001895775
CUYAH_001896709	CUYAH_001896709
CUYAH_001896710	CUYAH_001896712
CUYAH_001896759	CUYAH_001896760

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<b>Bates BegControl</b>	<b>Bates EndControl</b>
CUYAH_001897410	CUYAH_001897410
CUYAH_001897411	CUYAH_001897413
CUYAH_001897420	CUYAH_001897423
CUYAH_001897429	CUYAH_001897429
CUYAH_001897430	CUYAH_001897432
CUYAH_001898693	CUYAH_001898696
CUYAH_001898714	CUYAH_001898714
CUYAH_001898719	CUYAH_001898721
CUYAH_001898757	CUYAH_001898759
CUYAH_001898760	CUYAH_001898760
CUYAH_001899384	CUYAH_001899385
CUYAH_001899386	CUYAH_001899387
CUYAH_001899428	CUYAH_001899428
CUYAH_001899429	CUYAH_001899431
CUYAH_001899481	CUYAH_001899484
CUYAH_001899496	CUYAH_001899499
CUYAH_001899500	CUYAH_001899502
CUYAH_001899510	CUYAH_001899513
CUYAH_001899514	CUYAH_001899516
CUYAH_001899527	CUYAH_001899530
CUYAH_001899531	CUYAH_001899533
CUYAH_001899539	CUYAH_001899542
CUYAH_001900156	CUYAH_001900156
CUYAH_001900157	CUYAH_001900158
CUYAH_001900167	CUYAH_001900170
CUYAH_001901136	CUYAH_001901139
CUYAH_001902613	CUYAH_001902620
CUYAH_001902629	CUYAH_001902630
CUYAH_001902634	CUYAH_001902634
CUYAH_001902635	CUYAH_001902636
CUYAH_001902680	CUYAH_001902681
CUYAH_001902697	CUYAH_001902704
CUYAH_001902724	CUYAH_001902731
CUYAH_001902734	CUYAH_001902741
CUYAH_001902780	CUYAH_001902787
CUYAH_001902804	CUYAH_001902811
CUYAH_001903871	CUYAH_001903872
CUYAH_001903880	CUYAH_001903881
CUYAH_001903980	CUYAH_001903987
CUYAH_001903988	CUYAH_001903990

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<b>Bates BegControl</b>	<b>Bates EndControl</b>
CUYAH_001904015	CUYAH_001904016
CUYAH_001904044	CUYAH_001904045
CUYAH_001904992	CUYAH_001904994
CUYAH_001905007	CUYAH_001905008
CUYAH_001905205	CUYAH_001905222
CUYAH_001905330	CUYAH_001905331
CUYAH_001905564	CUYAH_001905566
CUYAH_001906311	CUYAH_001906315
CUYAH_001906316	CUYAH_001906331
CUYAH_001906374	CUYAH_001906389
CUYAH_001907014	CUYAH_001907014
CUYAH_001907916	CUYAH_001907920
CUYAH_001907921	CUYAH_001907936
CUYAH_001908115	CUYAH_001908119
CUYAH_001908120	CUYAH_001908135
CUYAH_001908942	CUYAH_001908942
CUYAH_001908943	CUYAH_001908943
CUYAH_001908944	CUYAH_001908946
CUYAH_001908947	CUYAH_001908947
CUYAH_001908948	CUYAH_001908950
CUYAH_001908951	CUYAH_001908951
CUYAH_001908952	CUYAH_001908954
CUYAH_001908955	CUYAH_001908955
CUYAH_001908956	CUYAH_001908958
CUYAH_001908959	CUYAH_001908959
CUYAH_001908960	CUYAH_001908962
CUYAH_001908963	CUYAH_001908963
CUYAH_001908964	CUYAH_001908966
CUYAH_001908967	CUYAH_001908967
CUYAH_001908968	CUYAH_001908970
CUYAH_001908971	CUYAH_001908971
CUYAH_001908972	CUYAH_001908973
CUYAH_001911374	CUYAH_001911377
CUYAH_001911382	CUYAH_001911385
CUYAH_001911386	CUYAH_001911389
CUYAH_001912670	CUYAH_001912671
CUYAH_001912905	CUYAH_001912911
CUYAH_001913116	CUYAH_001913130
CUYAH_001914509	CUYAH_001914509
CUYAH_001914619	CUYAH_001914630

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<b>Bates BegControl</b>	<b>Bates EndControl</b>
CUYAH_001917233	CUYAH_001917237
CUYAH_001918034	CUYAH_001918038
CUYAH_001918039	CUYAH_001918043
CUYAH_001919730	CUYAH_001919731
CUYAH_001921950	CUYAH_001921952
CUYAH_001921953	CUYAH_001921953
CUYAH_001921954	CUYAH_001921954
CUYAH_001921955	CUYAH_001921956
CUYAH_001921957	CUYAH_001921958
CUYAH_001921959	CUYAH_001921960
CUYAH_001921965	CUYAH_001921967
CUYAH_001921976	CUYAH_001921977
CUYAH_001921978	CUYAH_001921979
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**CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER**

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**CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER**

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**CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER**

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**CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER**

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**CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER**

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CUYAH_002492118	CUYAH_002492119

# Exhibit G

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION AT CLEVELAND

IN RE NATIONAL PRESCRIPTION  
OPIATE LITIGATION

This document relates to:

*City of Cleveland v. AmerisourceBergen Drug  
Corporation, et al.*  
Case No. 1:18-op-45132

MDL No. 2804

Case No. 17-md-2804

Judge Dan Aaron Polster

**PLAINTIFF CITY OF CLEVELAND'S  
RESPONSES AND OBJECTIONS TO DISTRIBUTOR  
DEFENDANTS' THIRD SET OF INTERROGATORIES**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and the Case Management Order in *In re National Prescription Opiate Litigation*, No. 1:17-cv-2804 (Dkt No. 232), the City of Cleveland, ("Plaintiff") hereby responds to Distributor Defendants' <sup>1</sup> Second Set of Interrogatories (the "Interrogatories" and, each individually, an "Interrogatory"), as follows:

**OBJECTIONS**

The following objections apply to each Interrogatory. To the extent that certain specific objections are cited in response to an individual Interrogatory, those specific objections are provided because they are applicable to that specific Interrogatory and are not a waiver of the objections applicable to information falling within the scope of such Interrogatory.

1. Plaintiff objects to each Interrogatory to the extent they are overly broad, vague, unduly burdensome, seek information that is not relevant to any party's claim or defense, or seeks to impose obligations or require actions beyond those required by the Rules of Civil

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<sup>1</sup> The Distributor Defendants are AmerisourceBergen Drug Corporation, Cardinal Health, and McKesson Corporation (collectively, "Distributors").

Procedure, the ESI Protocol entered in this matter or the Local Rules of the United States District Court of the Northern District of Ohio.

2. Plaintiff objects to each Interrogatory to the extent they seek information restricted from dissemination pursuant to court order, statute or regulation. Further, Plaintiff's responses to the Interrogatories are not intended to waive, and does not constitute any waiver of, any objection to the admissibility, authenticity, competency or relevance of the information identified.

3. These responses are made solely for the purpose of and in relation to this action. Each answer is given subject to all appropriate objections, which would require the exclusion at trial of any statement provided herein. All such objections and the grounds therefore are hereby reserved.

4. The fact that any of the Interrogatories herein may have been answered should not be taken as an admission or a concession of the existence of any facts set forth or assumed by the Interrogatories, or that such answer constitutes evidence of any fact thus set forth or assumed.

5. Plaintiff objects to each Interrogatory to the extent Plaintiff has not yet completed its investigation of the facts relating to this action and has not yet completed its preparation for trial. Accordingly, these responses are necessarily limited in nature, and reflect only that information known to Plaintiff at this time.

6. Plaintiff objects to each Interrogatory to the extent they purport to require Plaintiff to provide information that is in the public domain or otherwise available to Distributors as easily from other sources as from Plaintiff.

7. Plaintiff objects to each Interrogatory to the extent they purport to state facts, assumptions, or characterizations that are disputed.

8. Plaintiff objects to each Interrogatory to the extent they seek information more appropriately obtained through other methods of discovery.

9. Plaintiff objects to each Interrogatory to the extent that they seek information that is proprietary or confidential or that is protected from discovery as attorney work product and attorney-client communication, information gathered or prepared in anticipation of litigation, the public interest privilege, law enforcement privilege, public official privilege, and/or by any other privilege or immunity from disclosure (collectively, “Privileged Information”).

10. Plaintiff objects to each Interrogatory to the extent they seek confidential investigative, personal, or health information in Plaintiff’s possession, custody, or control (collectively, “Confidential Information”).

11. Whenever in the responses Plaintiff employs the phrase “subject to and without waiving all objections,” Plaintiff is responding to the Interrogatory as it may be narrowed by its objections and without waiver of any objection.

12. Any response stating that Plaintiff will provide information shall be deemed followed by the phrase “as are within Plaintiff’s possession, custody, or control.”

13. Plaintiff objects to each Interrogatory to the extent that they imply the existence of facts or circumstances that do not or did not exist, and to the extent that it states or assumes legal conclusions. In providing these objections and responses, Plaintiff does not admit the factual or legal premise of any Interrogatory.

14. Plaintiff objects to each Interrogatory to the extent they seek information that is not within Plaintiff’s possession, custody, or control, seek documents that do not already exist, or which purport to require a response by Plaintiff on behalf of an entity or individual other than Plaintiff.

15. Plaintiff reserves the right to supplement, revise, correct, or clarify its responses and objections in the event that additional information becomes available.

16. Plaintiff intends to complete its responses by the time agreed upon by the parties for the completion of discovery, or by the date ordered by the Court. Upon request by the requesting party, Plaintiff is willing to meet and confer regarding its responses to the Interrogatory. All final decisions regarding whether any information will be withheld pursuant to any objection shall be made, and notice thereof provided, before the completion of written discovery.

#### **NON-WAIVER**

1. Plaintiff's responses are made without waiving its right to object (on the grounds of relevancy, hearsay, materiality, competency or any other ground) to the use of its responses in any subsequent stage or proceeding in this Action or any other action.

2. If Plaintiff, in response to any Interrogatory, inadvertently produces information that is or could be the subject of the objections stated herein, such information is not intended to be, nor is it deemed to be, a waiver of the objections with respect to such information produced or withheld.

3. Plaintiff's failure to object to a specific Interrogatory on a particular ground or grounds shall not be construed as a waiver of its rights to object on any additional grounds.

4. Plaintiff responds herein based upon information it has been reasonably able to gather at the time of making these responses. Plaintiff reserves its right to amend and/or to supplement its objections and responses to the Interrogatories, consistent with further investigation and discovery.



### **SPECIFIC RESPONSES AND OBJECTIONS**

#### **Interrogatory No. 13:**

State the date(s) upon and the manner in which You first became aware that Prescription Opioids were being abused in Your geographic boundaries, that Prescription Opioids were being diverted in Your geographic boundaries and/or by Your residents, and that addiction to Prescription Opioids was occurring and/or increasing in Your geographic boundaries.

#### **Response to Interrogatory No. 13:**

Plaintiff objects to this Interrogatory in that the term “first became aware” is vague and ambiguous. Plaintiff cannot answer this question as posed.

#### **Interrogatory No. 14:**

State the number of pills or other dosage units of Prescription Opioids that were diverted from legitimate medical purposes in Your geographic boundaries, and the number of pills or other dosage units of Prescription Opioids that were dispensed for other than legitimate medical purposes in Your geographic boundaries for each year during the Timeframe, and describe how each number was calculated.

#### **Response to Interrogatory No. 14:**

Plaintiff objects to this Interrogatory as overly broad and unduly burdensome and because the term “legitimate medical purposes” is ambiguous. Further responding, Plaintiff incorporates its amended response to Interrogatory No. 2, states that discovery and the ARCOS database analysis is ongoing related to this issue, and that Plaintiff will be producing expert reports pursuant to CMO No. 1 and the Federal Rules of Civil Procedure.

**Interrogatory No. 15:**

State the maximum number of pills or other dosage units of Prescription Opioids that should properly have been distributed in Your geographic boundaries for legitimate medical purposes during the Timeframe. In Your response, explain how You calculated that number, including any per capita, per patient, drug family or other grouping, or any other basis on which you rely.

**Response to Interrogatory No. 15:**

Plaintiff objects to this Interrogatory as calling for an expert opinion. Plaintiff's investigation is ongoing and will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with CMO 1 and the Federal Rules of Civil Procedure.

**Interrogatory No. 16:**

Identify every specific prescription that You believe, suspect, or contend was diverted or used—in whole or in part—for other than legitimate medical, scientific, research, or industrial purposes in Your geographical area. Include in your response: the date the prescription was written; the name(s) of the Controlled Substance(s) prescribed; the quantity of Controlled Substance(s) prescribed; the recipient of each prescription; the name of the prescriber; the name of the dispensing pharmacy, hospital, or clinic; the date the prescription was filled; whether any Defendant was involved in the Distribution of that Controlled Substance(s); whether the Controlled Substance(s) were distributed as part of a Suspicious Order (and if so what made the

order suspicious); and the reason(s) why you believe, suspect, or contend that all or part of the prescription was diverted.<sup>2</sup>

**Response to Interrogatory No. 16:**

Plaintiff objects to this Interrogatory as calling for an expert opinion. Plaintiff's investigation is ongoing and will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with CMO 1 and the Federal Rules of Civil Procedure.

**Interrogatory No. 17:**

To the extent not already identified in response to Interrogatory Number 16, identify every pharmacy, clinic, or hospital inside or outside Your geographic boundaries whose conduct with respect to Prescription Opioids You believe, suspect, or contend caused harm within Your geographic boundaries. For each such pharmacy, clinic, or hospital, provide all facts You know that support Your belief, suspicion, or contention, including (without limitation): the name of the pharmacy, clinic, or hospital; each prescription filled by the pharmacy, clinic, or hospital that You believe, suspect, or contend caused harm in Your geographic boundaries; the date that each such prescription was written; the name of the prescriber; the name of the recipient of the prescription; the name(s) of the Prescription Opioids prescribed; the quantity of Prescription Opioids prescribed; the date the prescription was filled; whether any Defendant was involved in the Distribution of that Controlled Substance(s); whether the Controlled Substance(s) were

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<sup>2</sup> Distributor Defendants acknowledge that the Court has required Plaintiffs to provide some of this information by July 16, 2018. Distributor Defendants' request, however, is broader than the relevant provision of the CMO. And Defendants need the information they have requested more than one day in advance of the July 17, 2018 deadline for Defendants to add parties without leave of Court. *See* CMO 1 at 9. Defendants also require this information to conduct further discovery in Track One Cases

distributed as part of a Suspicious Order (and if so what made the order suspicious); and the reason(s) why You believe, suspect, or contend the prescription caused harm within Your geographic boundaries.

**Response to Interrogatory No. 17:**

Plaintiff objects that this Interrogatory is unduly burdensome to the extent it requests Plaintiff to identify each such pharmacy, clinic, or hospital. Plaintiff further objects to this request to the extent it calls for information in the Distributors' possession or control, or just as available to Distributors from third-party sources as it may be available to Plaintiff, and thus places an undue burden on Plaintiff to gather.

Subject to and without waiving all objections, Plaintiff just recently obtained the ARCOS database information and is still analyzing this information. Plaintiff will conduct a reasonable and diligent search for and, if such information is in Plaintiff's possession, custody, or control, will identify such pharmacies, clinics, or hospitals. In addition, Plaintiff's investigation of the wrongful conduct of Distributors including the identification of wrongful diversion of prescription opioids within the County and Plaintiffs' municipalities and townships is ongoing and will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with CMO 1 and the Federal Rules of Civil Procedure.

**Interrogatory No. 18:**

Specify each category of injury (e.g. increased cost of law enforcement, fire, emergency services, etc.) for which You claim damages in the Litigation and provide a computation of damages for each category of injury alleged. For each category of injury, identify all Persons with knowledge about such damages.

**Response to Interrogatory No. 18:**

Plaintiff objects to this Interrogatory to the extent that it calls for disclosure of Privileged and Confidential Information. Also, the Interrogatory is overly broad and unduly burdensome and seeks information beyond Plaintiff's possession, custody, and control. Further objecting, the Interrogatory contains a reference to the ambiguous phrase "category of injury."

Subject to and without waiving all objections, Plaintiff will conduct a reasonable and diligent search for and, if such information is in Plaintiff's possession, custody, or control, will produce documents that identify Plaintiff's equitable and monetary relief. In addition, Plaintiff's investigation of its costs, expenditures, damages, losses or harms caused by the Defendants is ongoing and will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with CMO No. 1 and the Federal Rules of Civil Procedure.

Subject to and without waiving objections, Plaintiff identifies the following:

- Losses caused by the decrease in funding available for Plaintiff's public services for which funding was lost because it was diverted to other public services designed to address the opioid epidemic;
- Costs for providing healthcare and medical care for patients suffering from opioid-related addiction or disease, including overdoses and deaths;
- Costs of training emergency and/or first responders in the proper treatment of drug overdoses;

- Costs associated with providing police officers, firefighters, and emergency and/or first responders with naloxone – an opioid antagonist used to block the deadly effects of opioids in the context of overdose;
- Costs associated with emergency responses by police officers, firefighters, and emergency and/or first responders to opioid overdoses;
- Costs for providing mental-health services, treatment, counseling, rehabilitation services, and social services to victims of the opioid epidemic and their families;
- Costs associated with law enforcement and public safety relating to the opioid epidemic, including but not limited to attempts to stop the flow of opioids into local communities, to arrest and prosecute street-level dealers, to prevent the current opioid epidemic from spreading and worsening, and to deal with the increased levels of crimes that have directly resulted from the increased homeless and drug-addicted population;
- Costs associated with various public safety and health initiatives related to the opioid epidemic, such as:
  - Plaintiff's Division of Police's participation in the High Intensity Drug Trafficking Area (HIDTA), which tracks opioid use in the City;
  - Plaintiff's Division of Police's involvement in the Northern Ohio Law Enforcement Task Force (one Commander and three detectives from Plaintiff), which focuses on the heroin dealing;
  - The Drug Enforcement Agency (DEA) task force (including one narcotics officer from Plaintiff who specializes in pill investigations), which monitors heroin and fentanyl use in the region;

- The Homeland Security Investigations Task Force (one employee from Plaintiff, who has special FBI credentials);
- Plaintiff's participation, along with the ADAMHS Board, in a Law Enforcement Assisted Detox (LEAD) program. Partnering with Stella Maris, Rosary Hall and the Salvation Army, the ADAMHS Board began to pay the health insurance for drug overdose victims who could not afford their medical stay;
- Plaintiff's partnership with Metrohealth on Project DAWN.
- Costs associated with increased burden on Plaintiff's drug court;
- Costs associated with clean-up of public parks, spaces and facilities of needles and other debris and detritus of opioid addiction;
- Loss of tax revenue due to the decreased efficiency and size of the working population in Plaintiff's community and due to other impacts on property values and other tax generators for Plaintiff;
- Losses caused by decreased business investment and tax revenue;
- Plaintiff's contributions to the Alcohol, Drug Addiction, and Mental Health Services (ADAMHS) board, such as its \$250,000 for substance abuse beds (in conjunction with Cuyahoga County);
- Increased public safety services, including but not limited to, training, investigations, staffing, jail expenses, dispatch services, task force as a result of the opioid epidemic;

- Plaintiff's Health Department costs related to the opioid epidemic, such as the Centerpoint Program, which provides services targeted to patients with substance abuse problems including opioid related matters;
- Costs associated with impact of opioid epidemic on Plaintiff's vehicle fleet;
- Costs need for the City to properly and adequately abate the nuisance created by the opioid epidemic.

As referenced above, Plaintiff's investigation of its damages caused by the Defendants is ongoing and will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with CMO No. 1 and the Federal Rules of Civil Procedure.

Plaintiff will continue to produce documents that identify costs, expenditures, damages, losses, or harm for which Plaintiff seeks equitable or monetary relief.

Plaintiff reserves the right to supplement and amend this response upon further investigation.

**Interrogatory No. 19:**

Identify each Person whose use of Prescription Opioids or other drugs resulted in expenditures by You for which you seek damages. For each such person, provide the following information: a description of how each Person's use of Prescription Opioids or other drugs resulted in Your expenditures; the date of any such expenditures; the Controlled Substance(s) ingested by such Person; from whom such Person obtained the Controlled Substance(s) that caused his or her injury; which entity manufactured and sold the Controlled Substance(s) used by such Person; which Distributor Defendant, if any, distributed the Controlled Substance(s) used by



such Person; and whether the Controlled Substance(s) were distributed as part of a Suspicious Order (and if so what made the order suspicious).

**Response to Interrogatory No. 19:**

Plaintiff objects to this Interrogatory as grossly over-broad and unduly burdensome as propounded. Plaintiff objects because this Interrogatory seeks information not relevant to any party's claim or defense or the legal theories in this case. Subject to and without waiving objections, Plaintiff responds that Plaintiff is not representing the interests of any individuals who were harmed by opioids or the interests of any payor of opioid prescription costs; nor has Plaintiff alleged any False Claims Act counts or other claims that justify the burden of an Interrogatory this broad in scope.

Plaintiff objects to this Interrogatory because it is not proportional to the needs of the case considering (1) the lack of relevance or importance of the materials to the claims and defenses in this litigation, as described above, and (2) the substantial cost and burden to identify and describe responsive materials, which would cause substantial harm to the privacy interests and rights held by the individuals whose private medical files are the subject of this request. Plaintiff further objects to the extent this Interrogatory calls for Confidential Information not in the Plaintiff's possession and protected by privacy laws, including but not limited to, the federal Health Insurance Portability and Accountability Act ("HIPAA").

**Interrogatory No. 20:**

Identify each Person to whom You provided treatment or assistance related to Prescription Opioid addiction, abuse, or overdose during the Timeframe. For each such Person,

provide the following information: the name of the individual; the date of addiction, abuse, or overdose; the drug or drugs involved; which entity manufactured and sold the Controlled Substance(s) used by such Person which Distributor Defendant, if any, distributed Prescription Opioids used by the Person; and whether the Prescription Opioids used by the Person were distributed as part of a Suspicious Order (and if so what made the order suspicious); the nature of treatment or assistance provided; the cost of treatment or assistance provided; and the source of funding for treatment or assistance provided.

**Response to Interrogatory No. 20:**

Plaintiff objects to this Interrogatory as grossly over-broad and unduly burdensome as propounded. Plaintiff objects because this Interrogatory seeks information not relevant to any party's claim or defense or the legal theories in this case. Subject to and without waiving objections, Plaintiff responds that Plaintiff is not representing the interests of any individuals who were harmed by opioids or the interests of any payor of opioid prescription costs; nor has Plaintiff alleged any False Claims Act counts or other claims that justify the burden of an Interrogatory this broad in scope.

Plaintiff objects to this Interrogatory because it is not proportional to the needs of the case considering (1) the lack of relevance or importance of the materials to the claims and defenses in this litigation, as described above, and (2) the substantial cost and burden to identify and describe responsive materials, which would cause substantial harm to the privacy interests and rights held by the individuals whose private medical files are the subject of this request. Plaintiff further objects to the extent this Interrogatory calls for Confidential Information not in the Plaintiff's possession and protected by privacy laws, including but not limited to, the federal Health Insurance Portability and Accountability Act ("HIPAA").

**Interrogatory No. 21:**

Identify all children, including infants born addicted to opioids, for whom You incurred costs for which you seek damages. For each such Person, please provide the following: the name of such Person; the name of such Person's parent(s); the Controlled Substances possessed or ingested by such Person's parent(s); which entity manufactured and sold the Controlled Substance(s) used by such Person the source of the Controlled Substance possessed or ingested by such Person's parent(s); the date, nature, and cost of any services incurred as a result of such Person; which Distributor Defendant, if any, distributed the Controlled Substance possessed or ingested by such Person's parent(s); and whether the Controlled Substances were distributed as part of a Suspicious Order (and if so what made the order suspicious).

**Response to Interrogatory No. 21:**

Plaintiff objects to this Interrogatory as grossly over-broad and unduly burdensome as propounded. Plaintiff objects because this Interrogatory seeks information not relevant to any party's claim or defense or the legal theories in this case. Subject to and without waiving objections, Plaintiff responds that Plaintiff is not representing the interests of any individuals who were harmed by opioids or the interests of any payor of opioid prescription costs; nor has Plaintiff alleged any False Claims Act counts or other claims that justify the burden of an Interrogatory this broad in scope.

Plaintiff objects to this Interrogatory because it is not proportional to the needs of the case considering (1) the lack of relevance or importance of the materials to the claims and defenses in this litigation, as described above, and (2) the substantial cost and burden to identify and describe responsive materials, which would cause substantial harm to the privacy interests

and rights held by the individuals whose private medical files are the subject of this request. Plaintiff further objects to the extent this Interrogatory calls for Confidential Information not in the Plaintiff's possession and protected by privacy laws, including but not limited to, the federal Health Insurance Portability and Accountability Act ("HIPAA").

**Interrogatory No. 22:**

Identify all efforts You have made to recover expenditures related to Prescription Opioid abuse, misuse, or addiction in Your geographic boundaries from any entities or individuals who have been charged with criminal offenses relating to or caused by such abuse, misuse, or addiction, including, without limitation, pharmacists, pharmacies, doctors, clinics, drug dealers, drug traffickers, or drug trafficking organizations.

**Response to Interrogatory No. 22:**

Plaintiff objects that this Interrogatory is overly broad and unduly burdensome and seeks information beyond Plaintiff's possession, custody, and control. Subject to and without waiving all objections, Plaintiff will conduct a reasonable and diligent search for and, if such information is in Plaintiff's possession, custody, or control, will produce documents that identify such investigations, arrests, or prosecutions.

Respectfully submitted,

/s/Peter J. Mougey

Peter J. Mougey

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing was served via electronic mail on the individuals on the attached service list this 25th day of July, 2018.

/s/Peter J. Mougey

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# Exhibit H

**IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION AT CLEVELAND**

**IN RE NATIONAL  
PRESCRIPTION OPIATE  
LITIGATION**

This document applies to:

*City of Cleveland v. AmerisourceBergen  
Drug Corp.*, Case No. 18-OP-45132

) **MDL No. 2804**  
)  
) **Case No. 17-md-2804**  
)  
) **Judge Dan Aaron Polster**  
)  
)  
)  
)

***THE CITY OF CLEVELAND’S RESPONSES AND OBJECTIONS TO  
DISTRIBUTOR DEFENDANTS’ FOURTH SET OF  
INTERROGATORIES TO PLAINTIFF***

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and the Case Management Order in *In re National Prescription Opiate Litigation*, No. 1:17-cv-2804 (Dkt No. 232), the City of Cleveland, (“Plaintiff”) hereby responds to Distributor Defendants<sup>1</sup>’ Fourth Set of Interrogatories (the “Interrogatories” and, each individually, an “Interrogatory”), as follows:

**OBJECTIONS**

The following objections apply to each Interrogatory. To the extent that certain specific objections are cited in response to an individual Interrogatory, those specific objections are provided because they are applicable to that specific Interrogatory and are not a waiver of the objections applicable to information falling within the scope of such Interrogatory.

1. Plaintiff objects to each Interrogatory to the extent they are overly broad, vague, unduly burdensome, seek information that is not relevant to any party’s claim or defense, or seeks to impose obligations or require actions beyond those required by the Rules of Civil Procedure, the ESI Protocol entered in this matter or the Local Rules of the United States District Court of the Northern District of Ohio.

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<sup>1</sup> The Distributor Defendants are AmerisourceBergen Drug Corporation, Cardinal Health, and McKesson Corporation (collectively, “Distributors”)

2. Plaintiff objects to each Interrogatory to the extent they seek information restricted from dissemination pursuant to court order, statute or regulation. Further, Plaintiff's responses to the Interrogatories are not intended to waive, and does not constitute any waiver of, any objection to the admissibility, authenticity, competency or relevance of the information identified.

3. These responses are made solely for the purpose of and in relation to this action. Each answer is given subject to all appropriate objections, which would require the exclusion at trial of any statement provided herein. All such objections and the grounds therefore are hereby reserved.

4. The fact that any of the Interrogatories herein may have been answered should not be taken as an admission or a concession of the existence of any facts set forth or assumed by the Interrogatories, or that such answer constitutes evidence of any fact thus set forth or assumed.

5. Plaintiff objects to each Interrogatory to the extent Plaintiff has not yet completed its investigation of the facts relating to this action and has not yet completed its preparation for trial. Accordingly, these responses are necessarily limited in nature, and reflect only that information known to Plaintiff at this time.

6. Plaintiff objects to each Interrogatory to the extent they purport to require Plaintiff to provide information that is in the public domain or otherwise available to Distributors as easily from other sources as from Plaintiff.

7. Plaintiff objects to each Interrogatory to the extent they purport to state facts, assumptions, or characterizations that are disputed.

8. Plaintiff objects to each Interrogatory to the extent they seek information more appropriately obtained through other methods of discovery.

9. Plaintiff objects to each Interrogatory to the extent that they seek information that is proprietary or confidential or that is protected from discovery as attorney work product and attorney-client communication, information gathered or prepared in anticipation of litigation, the public interest privilege, law enforcement privilege, public official privilege, and/or by any other privilege or immunity from disclosure (collectively, “Privileged Information”).

10. Plaintiff objects to each Interrogatory to the extent they seek confidential investigative, personal, or health information in Plaintiff’s possession, custody, or control (collectively, “Confidential Information”).

11. Whenever in the responses Plaintiff employs the phrase “subject to and without waiving all objections,” Plaintiff is responding to the Interrogatory as it may be narrowed by its objections and without waiver of any objection.

12. Any response stating that Plaintiff will provide information shall be deemed followed by the phrase “as are within Plaintiff’s possession, custody, or control.”

13. Plaintiff objects to each Interrogatory to the extent that they imply the existence of facts or circumstances that do not or did not exist, and to the extent that it states or assumes legal conclusions. In providing these objections and responses, Plaintiff does not admit the factual or legal premise of any Interrogatory.

14. Plaintiff objects to each Interrogatory to the extent they seek information that is not within Plaintiff’s possession, custody, or control, seek documents that do not already exist, or which purport to require a response by Plaintiff on behalf of an entity or individual other than Plaintiff.

15. Plaintiff reserves the right to supplement, revise, correct, or clarify its responses and objections in the event that additional information becomes available.

16. Plaintiff intends to complete its responses by the time agreed upon by the parties for the completion of discovery, or by the date ordered by the Court. Upon request by the requesting party, Plaintiff is willing to meet and confer regarding its responses to the Interrogatory. All final decisions regarding whether any information will be withheld pursuant to any objection shall be made, and notice thereof provided, before the completion of written discovery.

### **NON-WAIVER**

1. Plaintiff's responses are made without waiving its right to object (on the grounds of relevancy, hearsay, materiality, competency or any other ground) to the use of its responses in any subsequent stage or proceeding in this Action or any other action.

2. If Plaintiff, in response to any Interrogatory, inadvertently produces information that is or could be the subject of the objections stated herein, such information is not intended to be, nor is it deemed to be, a waiver of the objections with respect to such information produced or withheld.

3. Plaintiff's failure to object to a specific Interrogatory on a particular ground or grounds shall not be construed as a waiver of its rights to object on any additional grounds.

4. Plaintiff responds herein based upon information it has been reasonably able to gather at the time of making these responses. Plaintiff reserves its right to amend and/or to supplement its objections and responses to the Interrogatories, consistent with further investigation and discovery.

### **INTERROGATORIES**

23. Identify each Suspicious Order that you believe was shipped to Your geographic area by a Distributor Defendant during the time period for which you seek damages in this lawsuit. For each



order, identify the date the order was shipped, the medication shipped, the number of dosage units shipped, the number of dosage units that you contend would have been permissible to ship, the reason you believe the order was suspicious, the Distributor Defendant that shipped the allegedly Suspicious Order, and the person or entity that placed the order.

**RESPONSE:**

Plaintiff objects to this Interrogatory as vague, overly broad and unduly burdensome to the extent it requests “each” “suspicious order[]” of opioids that each Distributor Defendant shipped. Plaintiff further objects that this Interrogatory is contention discovery more appropriately answered once discovery is complete. *See* FRCP 33(a)(2).

Subject to and without waiving objections, Plaintiff states that it continues to analyze the ARCOS data that has been produced in this litigation in multiple iterations and will provide liability expert reports in accordance with CMO 1 and the Federal Rules of Procedure.

24. Identify all false and/or fraudulent information that You allege any Distributor Defendant supplied to the Drug Enforcement Administration about Suspicious Orders as alleged in Paragraph 819 of the Second Amended Complaint.

**RESPONSE:**

Plaintiff objects to this Interrogatory as vague, overly broad and unduly burdensome to the extent it requests “all false and fraudulent information” that each Distributor Defendant “supplied to the Drug Enforcement Administration about Suspicious Orders.” Plaintiff further objects to this Interrogatory in that it seeks information already in the possession of the Distributor Defendants and/or third parties. Plaintiff further objects that this Interrogatory is contention discovery more appropriately answered once discovery is complete. *See* FRCP 33(a)(2).

Subject to and without waiving all objections, and as stated in the Second Amended Complaint, Distributor Defendants were aware of suspicious orders of prescription opioids and the diversion of prescription opioids into the illicit market and failed to report this information to the DEA in their mandatory reports and applications for production quotas. Additionally, Plaintiff’s investigation of Defendants’ misconduct is ongoing and subject to Defendants’ discovery responses, and will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with CMO No. 1 and the Federal Rules of Civil Procedure. Plaintiff further responds that although it has long been aware of individual instances of diversion, abuse, and addiction to opioids within its jurisdiction, as a result of Defendants’ knowing and active concealment of the true nature of their conduct, Plaintiff lacked knowledge linking those diversion events to Defendants’ improper marketing and distribution practices,

including but not limited to denying risks of addiction, the gross over supply and flooding of Ohio with opioid pills, and the nature of Defendants' conduct in unscrupulous marketing and distribution, and failure to report suspicious orders and/or monitor distribution of opioids.

25. Identify with specificity each of the predicate acts of racketeering activity You allege each of AmerisourceBergen Drug Corporation, Cardinal Health, Inc. and McKesson Corporation committed, conspired to commit, and/or aided and abetted the commission of for the time period you seek damages in this lawsuit. For each predicate act, provide the date, the conduct that constituted the predicate act, the Defendant(s) involved, the reason that conduct constituted a predicate act of racketeering, and any other individuals/entities involved.

**RESPONSE:**

Plaintiff objects to this Interrogatory as vague, overly broad and unduly burdensome to the extent it requests "each of the predicate acts of racketeering activity" that each Distributor Defendant "committed, conspired to commit, and/or aided and abetted the commission of." Plaintiff further objects to this Interrogatory in that it seeks information already in the possession of the Distributor Defendants. Plaintiff further objects that this Interrogatory is contention discovery more appropriately answered once discovery is complete. *See* FRCP 33(a)(2).

Subject to and without waiving all objections, Plaintiff incorporates the allegations in its Second Amended Complaint and states that Plaintiff's investigation of Defendants' misconduct is ongoing and subject to Defendants' discovery responses, and will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with CMO No. 1 and the Federal Rules of Civil Procedure.

26. Identify all facts and evidence that support Your contention that the Distributor Defendants agreed to implement similar tactics regarding their distribution of Prescription Opioids and in their refusal to report Suspicious Orders as alleged in Paragraph 882 of the Second Amended Complaint.

**RESPONSE:**

Plaintiff objects to this Interrogatory as vague, overly broad and unduly burdensome to the extent it requests "similar tactics regarding their distribution" without any definition of what is meant by "similar tactics." Plaintiff further objects to this Interrogatory in that it seeks information already in the possession of the Distributor Defendants. Plaintiff further objects that

this Interrogatory is contention discovery more appropriately answered once discovery is complete. *See* FRCP 33(a)(2).

Subject to and without waiving all objections, Plaintiff incorporates the allegations in its Second Amended Complaint and states that Plaintiff's investigation of Defendants' misconduct is ongoing and subject to Defendants' discovery responses, and will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with CMO No. 1 and the Federal Rules of Civil Procedure.

27. Identify and describe each statement or omission relating to Prescription Opioids that were made or disseminated by any of the Manufacturer Defendants and that You allege the Distributor Defendants knew were false, misleading, unfair, deceptive or otherwise actionable and, for each, identify each specific Distributor Defendant who had such knowledge, explain the basis for your contention that it had such knowledge, state the specific act(s) or omission(s) that each Distributor Defendant took with such knowledge, and describe how such act(s) or omission(s) caused a quantifiable harm to You.

### **RESPONSE:**

Plaintiff objects to this Interrogatory as vague, overly broad and unduly burdensome to the extent it requests "each statement or omission" that were made or disseminated by any of the Manufacturer Defendants. Plaintiff further objects to this Interrogatory in that it seeks information already in the possession of the Distributor and Manufacturer Defendants. Plaintiff further objects that this Interrogatory is contention discovery more appropriately answered once discovery is complete. *See* FRCP 33(a)(2).

Subject to and without waiving all objections, Plaintiff incorporates the allegations in its Second Amended Complaint and states that Plaintiff's investigation of Defendants' misconduct is ongoing and subject to Defendants' discovery responses. Plaintiff further directs Distributor Defendants to the following statements or omissions relating to Prescription Opioids that were made or disseminated by any of the Manufacturer Defendants that were false, misleading, unfair, deceptive or otherwise actionable:

<b>Falsehood</b>	<b>Explanation</b>
The risk of addiction from chronic opioid therapy is low	When it launched OxyContin, Purdue cited in promotional and educational materials a single paragraph from a letter published in 1980 by Dr. Hershel Jick and Jane Porter in the New England Journal of Medicine as evidence of the low risk of addiction to opioids. In fact, Purdue included reference to this letter in a 1998 promotional video entitled, "I got my life back," in which Dr. Alan Spanos states, "In fact, the rate of addiction amongst pain patients who are

Falsehood	Explanation
	<p>treated by doctors is much less than 1%.”</p> <p>Until April 2012, Endo stated on its website that “...patients treated with prolonged opioid medicines usually do not become addicted;” a statement echoed on the website of its close affiliate, APF. Endo also published and distributed multiple pamphlets and brochures downplaying addiction as it related to opioids, including but not limited to “Pain: Opioid Facts,” “Understanding Your Pain: Taking Oral Opioid Analgesics” and “Pain: Opioid Therapy.”</p> <p>Janssen claimed on its unbranded website – <a href="http://www.PrescribeResponsibility.com">www.PrescribeResponsibility.com</a> – that concerns about opioid addiction are “overestimated” and that “true addiction occurs only in a small percentage of patients.” Janssen also published a patient education guide entitled “Finding Relief: Pain Management for Older Adults” describing opioid addiction as a myth and that “many studies show opioids are <i>rarely</i> addictive...” which, until recently, was available online.</p> <p>Cephalon sponsored a 2007 publication from APF entitled “Treatment Options: A Guide for People Living with Pain” which taught that opioid addiction is rare.</p> <p>Actavis published material that claimed it is “less likely” to become addicted to opioids in those who “have never had an addiction problem.” The same publication notes that a need for a “dose adjustment” is the result of tolerance, and “not addiction.” A 2007 guide for prescribers published under Actavis’s copyright states that Kadian is more difficult to abuse and less addictive than other opioids.</p> <p>Mallinckrodt created the C.A.R.E.S. (Collaborating and Acting Responsibly to Ensure Safety) Alliance in 2010 which promoted a book entitled “Defeat Chronic Pain Now!” in which opioids were stated to “rarely” cause addiction.</p>
To the extent there is a risk of addiction, it can be easily identified and managed	<p>Purdue and Cephalon sponsored the APF’s publication, “Treatment Options: A Guide for People Living with Pain” in 2007, which falsely reassured patients that opioid agreements between doctors and patients can “ensure that you take the opioid as prescribed.” Janssen stated on its website – <a href="http://www.PrescribeResponsibly.com">www.PrescribeResponsibly.com</a> – that opioid addiction “can usually be managed” through tools such as opioid agreements between patients and doctors. Purdue also sponsored a 2011 webinar taught by Dr. Lynn Webster entitled “Managing Patient’s Opioid Use: Balancing the Need and Risk” wherein prescribers were told that screening</p>

Falsehood	Explanation
	tools, urine tests, and patient agreements have the effect of preventing “overuse of prescriptions” and “overdose deaths.” Endo paid for a 2007 supplement for continuing education credit in the “Journal of Family Practice” entitled “Pain Management Dilemmas in Primary Care: Use of Opioids” which recommended screening patients and the use of the Opioid Risk Tool.
Signs of addictive behavior are “psuedoaddiction,” requiring more opioids	Cephalon, Endo and Purdue sponsored the Federation of State Medical Board’s (“FSMB”) publication entitled “Responsible Opioid Prescribing” in 2007 which stated that such behaviors as “requesting drugs by name,” “demanding or manipulative behavior,” seeing more than one doctor to obtain opioids and hoarding are all signs of “pseudoaddiction” (not genuine addiction). Purdue published an unbranded pamphlet entitled “Clinical Issues in Opioid Prescribing” in 2005 which was circulated through 2007 and available on its website through 2013. This pamphlet stated that “illicit drug use and deception” were not evidence of true addiction, but rather “pseudoaddiction.” Endo sponsored a CME program in 2009 entitled “Chronic Opioid Therapy: Understanding Risk While Maximizing Analgesia,” which promoted pseudoaddiction. Janssen sponsored, funded and edited a website entitled “Let’s Talk Pain” which in 2009 stated that pseudoaddiction “...refers to patient behaviors that may occur when pain is undertreated...”
Opioid withdrawal can be avoided by tapering	Endo sponsored an educational program entitled “Persistent Pain in the Older Adult” which claimed that withdrawal symptoms could be avoided by simply tapering a patient’s opioid dose over ten days. Similarly, Purdue sponsored APF’s publication “A Policymaker’s Guide to Understanding Pain & Its Management” which taught that “[s]ymptoms of physical dependence can often be ameliorated by gradually decreasing the dose of medication during discontinuation.” Neither Defendant explained the significant hardships associated with cessation of use.
Opioid doses can be increased without limit or greater risks	Purdue omitted the increased risk of respiratory distress and death from increasing opioid dosage from its 2010 “Risk Evaluation and Mitigation Strategy” for OxyContin. Endo published on its website a patient education pamphlet entitled “Understanding Your Pain: Taking Oral Opioid Analgesics” that responds to the question, “If I take the opioid now, will it work later when I really need it?” with “The dose can be increased...You won’t ‘run out’ of pain relief.” Purdue and Cephalon also sponsored APF’s 2007

Falsehood	Explanation
	<p>“Treatment Options: A Guide for People Living with Pain” which taught patients that opioids have “no ceiling dose” and are therefore safer than NSAIDs.</p>
<p>Long-term opioid use improves functioning</p>	<p>Janssen promoted Duragesic through an ad campaign as improving a patient’s functioning and work productivity. Janssen’s “Let’s Talk Pain” website featured a video interview claiming that opioids were what allowed a patient to “continue to function.” Similarly, Purdue ran a full-page ad for OxyContin in the Journal of the American Medical Association stating, “There Can Be Life With Relief” and implying that OxyContin would help users’ function; however the FDA noted that Purdue failed to warn that patients could die from taking OxyContin. Purdue also ran advertisements in medical journals in 2012 touting that OxyContin would help a “writer with osteoarthritis of the hands” work more effectively. Since May 2011, Endo has distributed and made available on its website – <a href="http://www.Opana.com">www.Opana.com</a> – a pamphlet implying that patients with physically demanding jobs would achieve long-term pain relief and functional improvement. Mallinckrodt’s website claims that “[t]he effective pain management offered by our [opioids] helps enable patients to stay in the workplace, enjoy interactions with family and friends, and remain an active member of society.”</p>
<p>Alternative forms of pain relief pose greater risks than opioids</p>	<p>Purdue and Cephalon sponsored APF’s publication entitled “Treatment Options: A Guide for People Living with Pain” warning of increased risks if NSAIDs are “taken for more than a period of months;” falsely attributing 10,000 to 20,000 deaths annually to NSAID overdoses when the figure is closer to 3,200. In 2009, Janssen sponsored a publication entitled, “Finding Relief: Pain Management for Older Adults” which listed dose limitations as “disadvantages” of other pain medicines. It also listed a number of serious health effects as disadvantages of NSAIDs while only listing “upset stomach or sleepiness” and constipation as disadvantages of opioids. Purdue and Endo sponsored a CME issued by the AMA in 2003, 2007, 2010 and 2013 entitled “Overview of Management Options” which taught that NSAIDs and other drugs, but not opioids, are unsafe at high doses.</p>
<p>OxyContin provides twelve hours of pain relief</p>	<p>In 2000, Purdue advertised that OxyContin provides “Consistent Plasma Levels Over 12 Hours;” however the oxycodone does not enter the body at a linear rate, releasing a greater proportion upon administration and gradually tapering over 12 hours. These 12-hour dosing</p>

Falsehood	Explanation
	advertisements ran in the <i>Journal of Pain</i> in February 2005 and the <i>Clinical Journal of Pain</i> in 2006.
New formulations of certain opioids successfully deter abuse	<p>Purdue presented an article in 2013 based on a review of data from poison control centers concluding that its ADF OxyContin can reduce abuse, but failed to acknowledge that abuse merely shifted to other drugs and that there were actually more harmful exposures to opioids after the reformulation. In 2016, Dr. J. David Haddox, VP of Health Policy for Purdue, falsely claimed that the evidence does not show Purdue's ADF opioids are being abused in large numbers.</p> <p>Endo's promotion of its Opana ER also tended to omit material facts according to a May 2012 letter from the FDA to Endo. Endo submitted a citizen petition asking the FDA for permission to label Opana ER as abuse-resistant, and also went so far as to sue the FDA to force expedited consideration of this change. Endo falsely promoted Opana ER as having been designed to be crush-resistant, knowing that this would (falsely) imply that it was actually crush-resistant and less likely to be abused (as stated in a June 14, 2012 press release). Endo initiated journal advertisements that appear in April 2013 stating Opana ER was "designed to be crush resistant."</p> <p>Likewise, Actavis copyrighted a guide for prescribers representing that Kadian is more difficult to abuse and less addictive than other opioids. Mallinckrodt promoted both Exalgo and Xartemis XR as specifically formulated to reduce abuse, going so far as to state, "XARTEMIS XR has technology that requires abusers to exert additional effort to extract the active ingredient from the large quantity of inactive and deterrent ingredients."</p>

Additionally, as Plaintiff's investigation is ongoing, Plaintiff expects this topic will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with scheduling orders in this case and the Federal Rules of Civil Procedure.

28. Describe how, if at all, You used the information contained in the Ohio Automated Rx Reporting System (OARRS), to address prescription drug diversion and abuse.

**RESPONSE:**



Plaintiff objects to this Interrogatory as vague, overly broad and unduly burdensome to the extent it requests information on how Plaintiff “used the information contained in the Ohio Automated Rx Reporting System (OARRS), to address prescription drug diversion and abuse.” Plaintiff objects to this Interrogatory to the extent that it calls for disclosure of Privileged or Confidential Information, information protected by HIPAA, or information more readily accessible to expert than fact witnesses. Moreover, the request potentially seeks information protected by attorney-work product or privilege.

Subject to and without waiving all objections, Plaintiff uses the Ohio Automated Rx Reporting System (OARRS) to assist with investigations of suspicious and/ or criminal activities by prescribers and patients. Specifically, upon making a valid request to the Ohio Board of Pharmacy, certain law enforcement personnel could obtain limited information from OARRS for use in connection with an active or open investigation. The information provided by the Ohio Board of Pharmacy includes information such as prescriber and prescription history. Law enforcement’s access and use of information from OARRS is governed by statute and regulation. In addition, discovery is ongoing and this information will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with scheduling orders in this case and the Federal Rules of Civil Procedure.

29. For each Suspicious Order that You contend was shipped into Your geographic area by a Distributor Defendant, identify how, if at all, the Prescription Opioids were used following the shipment, including what percentage of the Prescription Opioids were diverted, abused, used for legitimate medical purposes, used in some other manner, or destroyed, and if the Prescription Opioids were diverted, abused, or otherwise used improperly, who was involved in such diversion, abuse, or other improper use.

**RESPONSE:**

Plaintiff objects to this Interrogatory as vague and ambiguous in its use of the phrases “identify how, if at all, the Prescription Opioids were used following the shipment” including “what percentage of the Prescription Opioids were diverted, abused, used for legitimate medical purposes, used in some other manner” as phrases that are subject to many interpretations. Plaintiff further objects to the Interrogatory as unduly burdensome and not proportional to the needs of this case because it would be virtually, if not literally, impossible for Plaintiff to “identify how, if at all, the Prescription Opioids were used following the shipment” including “what percentage of the Prescription Opioids were diverted, abused, used for legitimate medical purposes, used in some other manner, or destroyed.” Plaintiff objects to this interrogatory as overly burdensome and not proportional to the needs of the case in asking Plaintiff to identify for the Distributors—who are in a far better position to provide this information—exactly where they distributed opioids or “who was involved in such diversion,



abuse, or other improper use.” Plaintiff further objects that this Interrogatory is contention discovery more appropriately answered once discovery is complete. *See* FRCP 33(a)(2).

The factual basis for Plaintiff’s claims are specific and quite detailed: the conduct of the Manufacturing Defendants in engaging in a massive and misleading marketing campaign about opioids, coupled with the Distributor Defendants and National Retail Pharmacy Defendants’ conduct in failing to monitor, regulate or restrict the improper distribution of opioids, are substantial causes of a public health crisis in Plaintiff’s jurisdictions. This is not a collection of personal injury cases and Plaintiff does not seek any personal injury damages suffered by its residents; instead, the lawsuit seeks *inter alia* to abate a public nuisance affecting the communities as a whole and to compensate Plaintiff for the additional expenses caused by Defendants’ conduct and from which each profited.

This case concerns whether the cumulative effect of Defendants’ marketing and distribution practices created the opioid public health crisis that exists within Plaintiff’s jurisdictions. Plaintiff’s claims center on the aggregate effect of opioids on the public health, safety, and welfare within Plaintiff’s jurisdictions. Plaintiff will prove its case through aggregate proof demonstrating the link between Defendants’ unlawful and tortious conduct and the exponential increase in prescribing and diversion of opioids and the resulting harms on a jurisdiction-wide basis. The Defendants’ actions were a substantial factor in the opioid epidemic.

Subject to and without waiving all objections, Plaintiff answers that it does not have complete information concerning how Prescription Opioids were used following shipment, including what percentage of the Prescription Opioids were diverted, abused, used for legitimate medical purposes, used in some other manner, or destroyed, and if the Prescription Opioids were diverted, abused, or otherwise used improperly, who was involved in such diversion, abuse, or other improper use. Even if the Interrogatory was proper and reasonably circumscribed, much of the information that Plaintiff may have that would be arguably related to the Interrogatory relates to Defendants’ conduct and Defendants’ documents on Suspicious Order Reports that have yet to be produced.

Subject to and without waiving all objections, Plaintiff responds that this Interrogatory is contention discovery more appropriately answered once discovery is complete. *See* Fed. R. Civ. P. 33(a)(2). Plaintiff states that Plaintiff’s current knowledge of this subject is reflected in Plaintiff’s Corrected Second Amended Complaint. In addition, discovery is ongoing and this information will be the subject of fully-supported and detailed expert witness opinion(s) that will be disclosed in accordance with scheduling orders in this case and the Federal Rules of Civil Procedure.

Respectfully submitted,

/s/ Ami J. Patel

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing was served via electronic mail on the individuals on the attached service list this 31st day of August, 2018.

/s/ Ami J. Patel

Ami J. Patel (Ohio Bar No.0078201)

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# Exhibit I





"I will stand for my client's rights.  
I am a trial lawyer."  
—Ron Motley (1944–2013)

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October 3, 2018

**VIA E-MAIL**

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725 Twelfth Street, NW  
Washington, DC 20005-5901

Re: Distributor Defendants' Fourth Set of Interrogatory Nos. 23, 29, 24, 25, 26, 27  
(CT1 Bellwether Response)

Dear Paul:

We write on behalf of the CT1 bellwethers County of Summit, City of Akron, County of Cuyahoga and City of Cleveland ("Plaintiffs") in response to your September 10, 2018 letter ("Sept. 10, 2018 Letter") on behalf of the Distributor Defendants and further to our meet-and-confer efforts. By responding below, Plaintiffs explicitly reserve all objections made in their Responses to the Distributor Defendants' Fourth Set of Interrogatories. For ease of reference, our responses track the format of your letter.

**Interrogatory No. 23:** Identify each Suspicious Order that you believe was shipped to Your geographic area by a Distributor Defendant during the time period for which you seek damages in this lawsuit. For each order, identify the date the order was shipped, the medication shipped, the number of dosage units shipped, the number of dosage units that you contend would have been permissible to ship, the reason you believe the order was suspicious, the Distributor Defendant that shipped the allegedly Suspicious Order, and the person or entity that placed the order.

**Interrogatory No. 29:** For each Suspicious Order that You contend was shipped into Your geographic area by a Distributor Defendant, identify how, if at all, the Prescription Opioids were used following the shipment, including what percentage of the Prescription Opioids that were diverted, abused, used for legitimate medical purposes, used in some other manner, or destroyed, and if the Prescription Opioids were diverted, abused, or otherwise used improperly, who was involved in such diversion, abuse, or other improper use.

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As a preliminary matter, the Distributor Defendants' requests demanding identification of suspicious orders are premature and should be deferred until closer to the end of discovery because Plaintiffs' responses necessarily require discovery from Defendants and expert opinion. *See Lincoln Elec. Co. v. Travelers Cas. & Sur. Co.*, No. 1:11CV2253, 2013 U.S. Dist. LEXIS 189111, at \*188-89 (N.D. Ohio Feb. 4, 2013) ("There is considerable authority for the view that the wisest general policy is to defer propounding and answering contention interrogatories until near the end of the discovery period."). Distributor Defendants "must be able to show that there is good reason to believe that answers to its well-tailored questions will contribute meaningfully to clarifying the issues in the case, narrowing the scope of the dispute, or setting up early settlement discussions, or that such answers are likely to expose a substantial basis for a motion under Rule 11 or Rule 56." *In re Convergent Tech. Sec. Litig.*, 108 F.R.D. 328, 338-39 (N.D. Cal. 1985). Distributor Defendants have failed to do so.

The Federal Rules of Civil Procedure allow courts to defer answers to contention interrogatories because they "may create disputes between the parties which are best resolved after much or all of the other discovery has been completed." *Francis v. Lakewood Eng'g & Mfg. Co. v. Lakewood Eng'g & Mfg. Co.*, No. 05-2429 MaV, 2006 U.S. Dist. LEXIS 102921, at \*7-8 (W.D. Tenn. July 18, 2006); *see also United States v. Quebe*, No. 3:15-cv-294, 2017 U.S. Dist. LEXIS 9005, at \*43 (S.D. Ohio Jan. 23, 2017) (citing Fed. R. Civ. P. 33(b) Advisory Committee's Note (1970)). The primary purpose of contention interrogatories, such as Interrogatory Nos. 23 and 29, "is to narrow the issues for trial rather than providing the foundation for substantial follow-on discovery." *Lincoln Elec.*, 2013 U.S. Dist. LEXIS 189111, at \*188-89 (quoting *Ross v. Abercrombie & Fitch Co.*, Nos. 2:05-cv-0819, 2:05-cv-0848, 2:05-cv-0879, 2:05-cv-0893, 2:05-cv-0913, 2:05-cv-0959, 2010 U.S. Dist. LEXIS 144383, at \*10 (S.D. Ohio Feb. 4, 2010)). Deferring responses is particularly appropriate here given Defendants' failure to produce many of the documents that would likely to be responsive to these Interrogatories.

Notwithstanding the above, Plaintiffs identified approximately 40 drugs that they believe may have been shipped to their geographic areas as part of a suspicious order and identified numerous pharmacies within their respective jurisdictions that they believe made suspicious orders. To the extent Distributor Defendants seek additional information, as we have repeatedly explained, Plaintiffs do not have within their possession, custody, or control many, if not most, of the documents that show the information the Distributor Defendants seek in Interrogatory Nos. 23 and 29. It was (and remains) the responsibility of Defendants, including the Distributor Defendants, to identify suspicious orders. Despite this, Plaintiffs understand that Defendants have failed to produce much of this information. As these documents are produced to Plaintiffs, we will work to identify documents responsive to these Interrogatories and supplement our responses in a timely manner. The sooner Defendants, including the Distributor Defendants, produce documents

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responsive to Plaintiffs' document requests that go to this issue, the sooner Plaintiffs will be able to amend their responses.

With respect to documents and information obtained by Plaintiffs from persons or entities other than Defendants, Plaintiffs' views regarding what may or may not constitute suspicious orders are Plaintiffs' opinions, not facts, and are thus outside the scope of fact discovery. Nor are Plaintiffs pursuing claims on behalf of individuals. Plaintiffs will prove their case using statistical modelling and aggregate data, which will be provided to the Distributor Defendants accordingly. Far from being "irrelevant," Sept. 10, 2018 Letter 2, courts routinely permit aggregate proof in this format. *See In re Neurontin Mktg. & Sales Practices Litig.*, 712 F.3d 21, 42 (1st Cir. 2013) ("[C]ourts have long permitted parties to use statistical data to establish causal relationships.").

Finally, contrary to your assertion that Plaintiffs "cannot wait until the close of fact discovery to reveal the factual basis of its claims," Sept. 10, 2018 Letter 2, Distributor Defendants are fully aware of the factual bases of the allegations through the operative complaint, the dismissal of which has been fully briefed. Plaintiffs have never stated that they will only produce additional documents responsive to these Interrogatories only after the close of fact discovery. To the contrary, to the extent documents responsive to this Interrogatory have been or will be produced to Plaintiffs, Plaintiffs have produced and will continue to produce those documents to Distributor Defendants and have or will supplement their Responses to identify responsive documents by Bates number as soon as possible. To demand production prior to collection, much less analysis, is contrary to the purposes of the MDL.

**Interrogatory No. 24: Identify all false and/or fraudulent information that You allege any Distributor Defendant supplied to the Drug Enforcement Administration about Suspicious Orders as alleged in Paragraph 819 of the Second Amended Complaint.**

For the reasons described above, Distributor Defendants' request that Plaintiffs identify false and/or fraudulent information is premature. Accordingly, Distributor Defendants' assertion that by objecting to this Interrogatory Plaintiffs are failing to "identify[] the factual basis of its claim after the close of discovery," Sept. 10, 2018 Letter 3, is false. The Distributor Defendants are fully aware of the factual bases of the claims asserted through the operative complaint and briefing thereon.

As with Interrogatory Nos. 23 and 29, Plaintiffs are not waiting until the close of discovery to respond to this Interrogatory. To the contrary, Plaintiffs have provided Distributor Defendants with the information reasonable available to them and will continue to update their responses as discovery proceeds. What Plaintiffs cannot do is provide complete responses without document

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production from Defendants, and Plaintiffs believe that many of documents and information responsive to this Interrogatory are in the possession, custody, or control of Defendants and have not yet been produced to Plaintiffs. The sooner such documents are produced, the sooner they will be identified in response to this Interrogatory. In addition, Plaintiffs are in the process of reviewing the ARCOS database and has already provided or will provide responsive, non-privileged documents or information responsive to this Interrogatory and will supplement their responses to this Interrogatory by identifying responsive documents by Bates number accordingly. Combined with Plaintiffs' expert report, the Distributor Defendants will have the access to the information they seek in this Interrogatory in due course.

**Interrogatory No. 25: Identify with specificity each of the predicate acts of racketeering activity You allege each of AmerisourceBergen Drug Corporation, Cardinal Health, Inc. and McKesson Corporation committed, conspired to commit, and/or aided and abetted the commission of for the time period you seek damages in this lawsuit. For each predicate act, provide the date, the conduct that constituted the predicate act, the Defendant(s) involved, the reason that conduct constituted a predicate act of racketeering, and any other individuals/entities involved.**

The Complaint goes to great length to identify in detail the predicate acts of the Distributor Defendants. That said, as we have explained, Plaintiffs reiterate their objections to the use of the term "predicate acts of racketeering activity" in Interrogatory No. 25 to extent it calls for a legal conclusion as opposed to an allegation of predicate acts.

Defendants maintain that they are entitled to responses to these interrogatories because they need to know what they are being sued for so they can mount a defense. That argument rings hollow. Defendants are attempting to use the discovery process to circumvent the motion to dismiss process. Defendants' argument on RICO predicate acts (No. 25) and false statements or omissions (No. 27, supra) are nothing more than a re-hash of the specificity arguments they raised in their motions to dismiss under Rule 9(b). As Plaintiffs argued in response to those motions, the complaint is sufficiently particular and it certainly provides what is necessary for them to comprehend and defend against the allegations. The Court will resolve that dispute when a ruling is issued. If the Court denies Defendants' arguments, the Court will have found that the pleading was sufficient to put Defendants on notice of the claims. To demand additional details on predicate acts or false statements or omissions – prior to fact discovery – ignores the requirements of federal rules.

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**Interrogatory No. 26: Identify all facts and evidence that support Your contention that the Distributor Defendants agreed to implement similar tactics in their refusal to report Suspicious Orders as alleged in Paragraph 882 of the Second Amended Complaint.**

Notwithstanding, as detailed above, Plaintiffs believe that documents and information responsive to this Interrogatory are in the possession, custody, or control of Defendants, much of which has yet to be produced to Plaintiffs. Plaintiffs have already provided or will provide responsive, non-privileged documents or information responsive to these Interrogatories and will supplement their responses accordingly by identifying responsive documents by Bates number. Given it is Defendants who have failed to produce the documents that would allow an even more detailed response to this Interrogatory than that provided, Defendants should be required to prioritize document productions that contain documents responsive to these Interrogatories so they may be reviewed by Plaintiffs and responses to these Interrogatories amended accordingly.

**Interrogatory No. 27: Identify and describe each statement or omission relating to Prescription Opioids that were made or disseminated by any of the Manufacturer Defendants and that You allege the Distributor Defendants knew were false, misleading, unfair, deceptive or otherwise actionable and, for each, identify each specific Distributor Defendant who had such knowledge, explain the basis for your contention that it had such knowledge, state the specific act(s) or omission(s) that each Distributor Defendant took with such knowledge, and describe how such act(s) or omission(s) caused a quantifiable harm to You.**

Despite the premature nature of this Interrogatory (*see supra*), this Interrogatory is improper because it calls for a legal conclusion and for the reasons stated in response to No. 25. It is well settled that opinions and legal conclusions cannot be required by interrogatory. *Payer, Hewitt & Company v. Bellanca Corp.*, 26 F.R.D. 219, 222 (D. Del. 1960). *See also Zinsky v. New York Central R.R. Co.*, 36 F.R.D. 680, 681 (N.D. Ohio 1964) (“[I]nterrogatories may not extend to issues of ‘pure law.’”).

Despite this, Plaintiffs have directed Defendants to numerous statements and omissions that they allege were false, misleading, unfair, deceptive or otherwise actionable and that were made or disseminated by the Manufacturer Defendants and the reasons why those statements and omissions were false, misleading, unfair, deceptive or otherwise actionable. With respect to Distributor Defendants' request that Plaintiffs identify which specific Distributor Defendants had knowledge of whether any statements were false, misleading, unfair, deceptive or otherwise actionable, the Interrogatory asks for information within the possession, custody, or control of the Defendants. As discussed above, Distributor Defendants continue to put the cart before the horse in requesting

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Plaintiffs identify documents and information before Defendants have produced responsive documents to Plaintiffs. As with the other disputes addressed herein, this is largely a dispute over timing: Plaintiffs have already represented they will amend their response to this Interrogatory as discovery proceeds and Defendants produce the documents that will enable Plaintiffs to make a more substantive response.

Finally, to the extent the Interrogatory seeks information about how the acts and omissions "caused harm to the City," Sept. 10, 2018 Letter 4, the computation of damages, monetary sums, and the like is a topic uniquely for expert discovery. Plaintiffs will provide its expert report(s) at the relevant time.

Sincerely,

*/s/ Linda Singer*

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